

HB5764



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5764

by Rep. Gregory Harris

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2020 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB101 17112 AMC 66512 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2020 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change
9 in the law. It reconciles conflicts that have arisen from
10 multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 100-1178 through 101-621 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of those combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing
10 Sections 4.30 and 4.40 as follows:

11 (5 ILCS 80/4.30)

12 Sec. 4.30. Act ~~Acts~~ repealed on January 1, 2020. The
13 following Act is ~~Acts are~~ repealed on January 1, 2020:

14 The Illinois Landscape Architecture Act of 1989.

15 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
16 100-863, eff. 8-14-18; 101-269, eff. 8-9-19; 101-310, eff.
17 8-9-19; 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313,
18 eff. 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19;
19 101-357, eff. 8-9-19; 101-614, eff. 12-20-19; 101-621, eff.
20 12-20-19; revised 1-6-20.)

21 (5 ILCS 80/4.40)

22 Sec. 4.40. Acts ~~Act~~ repealed on January 1, 2030. The
23 following Acts are ~~Act is~~ repealed on January 1, 2030:

1 The Auction License Act.
2 The Illinois Architecture Practice Act of 1989.
3 The Illinois Professional Land Surveyor Act of 1989.
4 The Orthotics, Prosthetics, and Pedorthics Practice Act.
5 The Perfusionist Practice Act.
6 The Professional Engineering Practice Act of 1989.
7 The Real Estate License Act of 2000.
8 The Structural Engineering Practice Act of 1989.
9 (Source: P.A. 101-269, eff. 8-9-19; 101-310, eff. 8-9-19;
10 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313, eff.
11 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19; 101-357,
12 eff. 8-9-19; revised 9-27-19.)

13 Section 10. The Open Meetings Act is amended by changing
14 Sections 1.05 and 2 as follows:

15 (5 ILCS 120/1.05)

16 Sec. 1.05. Training.

17 (a) Every public body shall designate employees, officers,
18 or members to receive training on compliance with this Act.
19 Each public body shall submit a list of designated employees,
20 officers, or members to the Public Access Counselor. Within 6
21 months after January 1, 2010 (the effective date of Public Act
22 96-542) ~~this amendatory Act of the 96th General Assembly~~, the
23 designated employees, officers, and members must successfully
24 complete an electronic training curriculum, developed and

1 administered by the Public Access Counselor, and thereafter
2 must successfully complete an annual training program.
3 Thereafter, whenever a public body designates an additional
4 employee, officer, or member to receive this training, that
5 person must successfully complete the electronic training
6 curriculum within 30 days after that designation.

7 (b) Except as otherwise provided in this Section, each
8 elected or appointed member of a public body subject to this
9 Act who is such a member on January 1, 2012 (the effective date
10 of Public Act 97-504) ~~this amendatory Act of the 97th General~~
11 ~~Assembly~~ must successfully complete the electronic training
12 curriculum developed and administered by the Public Access
13 Counselor. For these members, the training must be completed
14 within one year after January 1, 2012 (the effective date of
15 Public Act 97-504) ~~this amendatory Act~~.

16 Except as otherwise provided in this Section, each elected
17 or appointed member of a public body subject to this Act who
18 becomes such a member after January 1, 2012 (the effective date
19 of Public Act 97-504) ~~this amendatory Act of the 97th General~~
20 ~~Assembly~~ shall successfully complete the electronic training
21 curriculum developed and administered by the Public Access
22 Counselor. For these members, the training must be completed
23 not later than the 90th day after the date the member:

24 (1) takes the oath of office, if the member is required
25 to take an oath of office to assume the person's duties as
26 a member of the public body; or

1 (2) otherwise assumes responsibilities as a member of
2 the public body, if the member is not required to take an
3 oath of office to assume the person's duties as a member of
4 the governmental body.

5 Each member successfully completing the electronic
6 training curriculum shall file a copy of the certificate of
7 completion with the public body.

8 Completing the required training as a member of the public
9 body satisfies the requirements of this Section with regard to
10 the member's service on a committee or subcommittee of the
11 public body and the member's ex officio service on any other
12 public body.

13 The failure of one or more members of a public body to
14 complete the training required by this Section does not affect
15 the validity of an action taken by the public body.

16 An elected or appointed member of a public body subject to
17 this Act who has successfully completed the training required
18 under this subsection (b) and filed a copy of the certificate
19 of completion with the public body is not required to
20 subsequently complete the training required under this
21 subsection (b).

22 (c) An elected school board member may satisfy the training
23 requirements of this Section by participating in a course of
24 training sponsored or conducted by an organization created
25 under Article 23 of the School Code. The course of training
26 shall include, but not be limited to, instruction in:

1 (1) the general background of the legal requirements
2 for open meetings;

3 (2) the applicability of this Act to public bodies;

4 (3) procedures and requirements regarding quorums,
5 notice, and record-keeping under this Act;

6 (4) procedures and requirements for holding an open
7 meeting and for holding a closed meeting under this Act;
8 and

9 (5) penalties and other consequences for failing to
10 comply with this Act.

11 If an organization created under Article 23 of the School
12 Code provides a course of training under this subsection (c),
13 it must provide a certificate of course completion to each
14 school board member who successfully completes that course of
15 training.

16 (d) A commissioner of a drainage district may satisfy the
17 training requirements of this Section by participating in a
18 course of training sponsored or conducted by an organization
19 that represents the drainage districts created under the
20 Illinois Drainage Code. The course of training shall include,
21 but not be limited to, instruction in:

22 (1) the general background of the legal requirements
23 for open meetings;

24 (2) the applicability of this Act to public bodies;

25 (3) procedures and requirements regarding quorums,
26 notice, and record-keeping under this Act;

1 (4) procedures and requirements for holding an open
2 meeting and for holding a closed meeting under this Act;
3 and

4 (5) penalties and other consequences for failing to
5 comply with this Act.

6 If an organization that represents the drainage districts
7 created under the Illinois Drainage Code provides a course of
8 training under this subsection (d), it must provide a
9 certificate of course completion to each commissioner who
10 successfully completes that course of training.

11 (e) A director of a soil and water conservation district
12 may satisfy the training requirements of this Section by
13 participating in a course of training sponsored or conducted by
14 an organization that represents soil and water conservation
15 districts created under the Soil and Water Conservation
16 Districts Act. The course of training shall include, but not be
17 limited to, instruction in:

18 (1) the general background of the legal requirements
19 for open meetings;

20 (2) the applicability of this Act to public bodies;

21 (3) procedures and requirements regarding quorums,
22 notice, and record-keeping under this Act;

23 (4) procedures and requirements for holding an open
24 meeting and for holding a closed meeting under this Act;
25 and

26 (5) penalties and other consequences for failing to

1 comply with this Act.

2 If an organization that represents the soil and water
3 conservation districts created under the Soil and Water
4 Conservation Districts Act provides a course of training under
5 this subsection (e), it must provide a certificate of course
6 completion to each director who successfully completes that
7 course of training.

8 (f) An elected or appointed member of a public body of a
9 park district, forest preserve district, or conservation
10 district may satisfy the training requirements of this Section
11 by participating in a course of training sponsored or conducted
12 by an organization that represents the park districts created
13 in the Park District Code. The course of training shall
14 include, but not be limited to, instruction in:

15 (1) the general background of the legal requirements
16 for open meetings;

17 (2) the applicability of this Act to public bodies;

18 (3) procedures and requirements regarding quorums,
19 notice, and record-keeping under this Act;

20 (4) procedures and requirements for holding an open
21 meeting and for holding a closed meeting under this Act;
22 and

23 (5) penalties and other consequences for failing to
24 comply with this Act.

25 If an organization that represents the park districts
26 created in the Park District Code provides a course of training

1 under this subsection (f), it must provide a certificate of
2 course completion to each elected or appointed member of a
3 public body who successfully completes that course of training.

4 (g) An elected or appointed member of the board of trustees
5 of a fire protection district may satisfy the training
6 requirements of this Section by participating in a course of
7 training sponsored or conducted by an organization that
8 represents fire protection districts created under the Fire
9 Protection District Act. The course of training shall include,
10 but not be limited to, instruction in:

11 (1) the general background of the legal requirements
12 for open meetings;

13 (2) the applicability of this Act to public bodies;

14 (3) procedures and requirements regarding quorums,
15 notice, and record-keeping under this Act;

16 (4) procedures and requirements for holding an open
17 meeting and for holding a closed meeting under this Act;
18 and

19 (5) penalties and other consequences for failing to
20 comply with this Act.

21 If an organization that represents fire protection
22 districts organized under the Fire Protection District Act
23 provides a course of training under this subsection (g), it
24 must provide a certificate of course completion to each elected
25 or appointed member of a board of trustees who successfully
26 completes that course of training.

1 (h) ~~(g)~~ An elected or appointed member of a public body of
2 a municipality may satisfy the training requirements of this
3 Section by participating in a course of training sponsored or
4 conducted by an organization that represents municipalities as
5 designated in Section 1-8-1 of the Illinois Municipal Code. The
6 course of training shall include, but not be limited to,
7 instruction in:

8 (1) the general background of the legal requirements
9 for open meetings;

10 (2) the applicability of this Act to public bodies;

11 (3) procedures and requirements regarding quorums,
12 notice, and record-keeping under this Act;

13 (4) procedures and requirements for holding an open
14 meeting and for holding a closed meeting under this Act;
15 and

16 (5) penalties and other consequences for failing to
17 comply with this Act.

18 If an organization that represents municipalities as
19 designated in Section 1-8-1 of the Illinois Municipal Code
20 provides a course of training under this subsection (h) ~~(g)~~, it
21 must provide a certificate of course completion to each elected
22 or appointed member of a public body who successfully completes
23 that course of training.

24 (Source: P.A. 100-1127, eff. 11-27-18; 101-233, eff. 1-1-20;
25 revised 9-27-19.)

1 (5 ILCS 120/2) (from Ch. 102, par. 42)

2 Sec. 2. Open meetings.

3 (a) Openness required. All meetings of public bodies shall
4 be open to the public unless excepted in subsection (c) and
5 closed in accordance with Section 2a.

6 (b) Construction of exceptions. The exceptions contained
7 in subsection (c) are in derogation of the requirement that
8 public bodies meet in the open, and therefore, the exceptions
9 are to be strictly construed, extending only to subjects
10 clearly within their scope. The exceptions authorize but do not
11 require the holding of a closed meeting to discuss a subject
12 included within an enumerated exception.

13 (c) Exceptions. A public body may hold closed meetings to
14 consider the following subjects:

15 (1) The appointment, employment, compensation,
16 discipline, performance, or dismissal of specific
17 employees, specific individuals who serve as independent
18 contractors in a park, recreational, or educational
19 setting, or specific volunteers of the public body or legal
20 counsel for the public body, including hearing testimony on
21 a complaint lodged against an employee, a specific
22 individual who serves as an independent contractor in a
23 park, recreational, or educational setting, or a volunteer
24 of the public body or against legal counsel for the public
25 body to determine its validity. However, a meeting to
26 consider an increase in compensation to a specific employee

1 of a public body that is subject to the Local Government
2 Wage Increase Transparency Act may not be closed and shall
3 be open to the public and posted and held in accordance
4 with this Act.

5 (2) Collective negotiating matters between the public
6 body and its employees or their representatives, or
7 deliberations concerning salary schedules for one or more
8 classes of employees.

9 (3) The selection of a person to fill a public office,
10 as defined in this Act, including a vacancy in a public
11 office, when the public body is given power to appoint
12 under law or ordinance, or the discipline, performance or
13 removal of the occupant of a public office, when the public
14 body is given power to remove the occupant under law or
15 ordinance.

16 (4) Evidence or testimony presented in open hearing, or
17 in closed hearing where specifically authorized by law, to
18 a quasi-adjudicative body, as defined in this Act, provided
19 that the body prepares and makes available for public
20 inspection a written decision setting forth its
21 determinative reasoning.

22 (5) The purchase or lease of real property for the use
23 of the public body, including meetings held for the purpose
24 of discussing whether a particular parcel should be
25 acquired.

26 (6) The setting of a price for sale or lease of

1 property owned by the public body.

2 (7) The sale or purchase of securities, investments, or
3 investment contracts. This exception shall not apply to the
4 investment of assets or income of funds deposited into the
5 Illinois Prepaid Tuition Trust Fund.

6 (8) Security procedures, school building safety and
7 security, and the use of personnel and equipment to respond
8 to an actual, a threatened, or a reasonably potential
9 danger to the safety of employees, students, staff, the
10 public, or public property.

11 (9) Student disciplinary cases.

12 (10) The placement of individual students in special
13 education programs and other matters relating to
14 individual students.

15 (11) Litigation, when an action against, affecting or
16 on behalf of the particular public body has been filed and
17 is pending before a court or administrative tribunal, or
18 when the public body finds that an action is probable or
19 imminent, in which case the basis for the finding shall be
20 recorded and entered into the minutes of the closed
21 meeting.

22 (12) The establishment of reserves or settlement of
23 claims as provided in the Local Governmental and
24 Governmental Employees Tort Immunity Act, if otherwise the
25 disposition of a claim or potential claim might be
26 prejudiced, or the review or discussion of claims, loss or

1 risk management information, records, data, advice or
2 communications from or with respect to any insurer of the
3 public body or any intergovernmental risk management
4 association or self insurance pool of which the public body
5 is a member.

6 (13) Conciliation of complaints of discrimination in
7 the sale or rental of housing, when closed meetings are
8 authorized by the law or ordinance prescribing fair housing
9 practices and creating a commission or administrative
10 agency for their enforcement.

11 (14) Informant sources, the hiring or assignment of
12 undercover personnel or equipment, or ongoing, prior or
13 future criminal investigations, when discussed by a public
14 body with criminal investigatory responsibilities.

15 (15) Professional ethics or performance when
16 considered by an advisory body appointed to advise a
17 licensing or regulatory agency on matters germane to the
18 advisory body's field of competence.

19 (16) Self evaluation, practices and procedures or
20 professional ethics, when meeting with a representative of
21 a statewide association of which the public body is a
22 member.

23 (17) The recruitment, credentialing, discipline or
24 formal peer review of physicians or other health care
25 professionals, or for the discussion of matters protected
26 under the federal Patient Safety and Quality Improvement

1 Act of 2005, and the regulations promulgated thereunder,
2 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
3 Health Insurance Portability and Accountability Act of
4 1996, and the regulations promulgated thereunder,
5 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
6 or other institution providing medical care, that is
7 operated by the public body.

8 (18) Deliberations for decisions of the Prisoner
9 Review Board.

10 (19) Review or discussion of applications received
11 under the Experimental Organ Transplantation Procedures
12 Act.

13 (20) The classification and discussion of matters
14 classified as confidential or continued confidential by
15 the State Government Suggestion Award Board.

16 (21) Discussion of minutes of meetings lawfully closed
17 under this Act, whether for purposes of approval by the
18 body of the minutes or semi-annual review of the minutes as
19 mandated by Section 2.06.

20 (22) Deliberations for decisions of the State
21 Emergency Medical Services Disciplinary Review Board.

22 (23) The operation by a municipality of a municipal
23 utility or the operation of a municipal power agency or
24 municipal natural gas agency when the discussion involves
25 (i) contracts relating to the purchase, sale, or delivery
26 of electricity or natural gas or (ii) the results or

1 conclusions of load forecast studies.

2 (24) Meetings of a residential health care facility
3 resident sexual assault and death review team or the
4 Executive Council under the Abuse Prevention Review Team
5 Act.

6 (25) Meetings of an independent team of experts under
7 Brian's Law.

8 (26) Meetings of a mortality review team appointed
9 under the Department of Juvenile Justice Mortality Review
10 Team Act.

11 (27) (Blank).

12 (28) Correspondence and records (i) that may not be
13 disclosed under Section 11-9 of the Illinois Public Aid
14 Code or (ii) that pertain to appeals under Section 11-8 of
15 the Illinois Public Aid Code.

16 (29) Meetings between internal or external auditors
17 and governmental audit committees, finance committees, and
18 their equivalents, when the discussion involves internal
19 control weaknesses, identification of potential fraud risk
20 areas, known or suspected frauds, and fraud interviews
21 conducted in accordance with generally accepted auditing
22 standards of the United States of America.

23 (30) Those meetings or portions of meetings of a
24 fatality review team or the Illinois Fatality Review Team
25 Advisory Council during which a review of the death of an
26 eligible adult in which abuse or neglect is suspected,

1 alleged, or substantiated is conducted pursuant to Section
2 15 of the Adult Protective Services Act.

3 (31) Meetings and deliberations for decisions of the
4 Concealed Carry Licensing Review Board under the Firearm
5 Concealed Carry Act.

6 (32) Meetings between the Regional Transportation
7 Authority Board and its Service Boards when the discussion
8 involves review by the Regional Transportation Authority
9 Board of employment contracts under Section 28d of the
10 Metropolitan Transit Authority Act and Sections 3A.18 and
11 3B.26 of the Regional Transportation Authority Act.

12 (33) Those meetings or portions of meetings of the
13 advisory committee and peer review subcommittee created
14 under Section 320 of the Illinois Controlled Substances Act
15 during which specific controlled substance prescriber,
16 dispenser, or patient information is discussed.

17 (34) Meetings of the Tax Increment Financing Reform
18 Task Force under Section 2505-800 of the Department of
19 Revenue Law of the Civil Administrative Code of Illinois.

20 (35) Meetings of the group established to discuss
21 Medicaid capitation rates under Section 5-30.8 of the
22 Illinois Public Aid Code.

23 (36) Those deliberations or portions of deliberations
24 for decisions of the Illinois Gaming Board in which there
25 is discussed any of the following: (i) personal,
26 commercial, financial, or other information obtained from

1 any source that is privileged, proprietary, confidential,
2 or a trade secret; or (ii) information specifically
3 exempted from the disclosure by federal or State law.

4 (d) Definitions. For purposes of this Section:

5 "Employee" means a person employed by a public body whose
6 relationship with the public body constitutes an
7 employer-employee relationship under the usual common law
8 rules, and who is not an independent contractor.

9 "Public office" means a position created by or under the
10 Constitution or laws of this State, the occupant of which is
11 charged with the exercise of some portion of the sovereign
12 power of this State. The term "public office" shall include
13 members of the public body, but it shall not include
14 organizational positions filled by members thereof, whether
15 established by law or by a public body itself, that exist to
16 assist the body in the conduct of its business.

17 "Quasi-adjudicative body" means an administrative body
18 charged by law or ordinance with the responsibility to conduct
19 hearings, receive evidence or testimony and make
20 determinations based thereon, but does not include local
21 electoral boards when such bodies are considering petition
22 challenges.

23 (e) Final action. No final action may be taken at a closed
24 meeting. Final action shall be preceded by a public recital of
25 the nature of the matter being considered and other information
26 that will inform the public of the business being conducted.

1 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
2 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
3 8-23-19; revised 9-27-19.)

4 Section 15. The Freedom of Information Act is amended by
5 changing Sections 7 and 7.5 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from disclosure
10 under this Section, but also contains information that is not
11 exempt from disclosure, the public body may elect to redact the
12 information that is exempt. The public body shall make the
13 remaining information available for inspection and copying.
14 Subject to this requirement, the following shall be exempt from
15 inspection and copying:

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and regulations
18 implementing federal or State law.

19 (b) Private information, unless disclosure is required
20 by another provision of this Act, a State or federal law or
21 a court order.

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and
24 specifically designed to provide information to one or more

1 law enforcement agencies regarding the physical or mental
2 status of one or more individual subjects.

3 (c) Personal information contained within public
4 records, the disclosure of which would constitute a clearly
5 unwarranted invasion of personal privacy, unless the
6 disclosure is consented to in writing by the individual
7 subjects of the information. "Unwarranted invasion of
8 personal privacy" means the disclosure of information that
9 is highly personal or objectionable to a reasonable person
10 and in which the subject's right to privacy outweighs any
11 legitimate public interest in obtaining the information.
12 The disclosure of information that bears on the public
13 duties of public employees and officials shall not be
14 considered an invasion of personal privacy.

15 (d) Records in the possession of any public body
16 created in the course of administrative enforcement
17 proceedings, and any law enforcement or correctional
18 agency for law enforcement purposes, but only to the extent
19 that disclosure would:

20 (i) interfere with pending or actually and
21 reasonably contemplated law enforcement proceedings
22 conducted by any law enforcement or correctional
23 agency that is the recipient of the request;

24 (ii) interfere with active administrative
25 enforcement proceedings conducted by the public body
26 that is the recipient of the request;

1 (iii) create a substantial likelihood that a
2 person will be deprived of a fair trial or an impartial
3 hearing;

4 (iv) unavoidably disclose the identity of a
5 confidential source, confidential information
6 furnished only by the confidential source, or persons
7 who file complaints with or provide information to
8 administrative, investigative, law enforcement, or
9 penal agencies; except that the identities of
10 witnesses to traffic accidents, traffic accident
11 reports, and rescue reports shall be provided by
12 agencies of local government, except when disclosure
13 would interfere with an active criminal investigation
14 conducted by the agency that is the recipient of the
15 request;

16 (v) disclose unique or specialized investigative
17 techniques other than those generally used and known or
18 disclose internal documents of correctional agencies
19 related to detection, observation or investigation of
20 incidents of crime or misconduct, and disclosure would
21 result in demonstrable harm to the agency or public
22 body that is the recipient of the request;

23 (vi) endanger the life or physical safety of law
24 enforcement personnel or any other person; or

25 (vii) obstruct an ongoing criminal investigation
26 by the agency that is the recipient of the request.

1 (d-5) A law enforcement record created for law
2 enforcement purposes and contained in a shared electronic
3 record management system if the law enforcement agency that
4 is the recipient of the request did not create the record,
5 did not participate in or have a role in any of the events
6 which are the subject of the record, and only has access to
7 the record through the shared electronic record management
8 system.

9 (e) Records that relate to or affect the security of
10 correctional institutions and detention facilities.

11 (e-5) Records requested by persons committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail if those
14 materials are available in the library of the correctional
15 institution or facility or jail where the inmate is
16 confined.

17 (e-6) Records requested by persons committed to the
18 Department of Corrections, Department of Human Services
19 Division of Mental Health, or a county jail if those
20 materials include records from staff members' personnel
21 files, staff rosters, or other staffing assignment
22 information.

23 (e-7) Records requested by persons committed to the
24 Department of Corrections or Department of Human Services
25 Division of Mental Health if those materials are available
26 through an administrative request to the Department of

1 Corrections or Department of Human Services Division of
2 Mental Health.

3 (e-8) Records requested by a person committed to the
4 Department of Corrections, Department of Human Services
5 Division of Mental Health, or a county jail, the disclosure
6 of which would result in the risk of harm to any person or
7 the risk of an escape from a jail or correctional
8 institution or facility.

9 (e-9) Records requested by a person in a county jail or
10 committed to the Department of Corrections or Department of
11 Human Services Division of Mental Health, containing
12 personal information pertaining to the person's victim or
13 the victim's family, including, but not limited to, a
14 victim's home address, home telephone number, work or
15 school address, work telephone number, social security
16 number, or any other identifying information, except as may
17 be relevant to a requester's current or potential case or
18 claim.

19 (e-10) Law enforcement records of other persons
20 requested by a person committed to the Department of
21 Corrections, Department of Human Services Division of
22 Mental Health, or a county jail, including, but not limited
23 to, arrest and booking records, mug shots, and crime scene
24 photographs, except as these records may be relevant to the
25 requester's current or potential case or claim.

26 (f) Preliminary drafts, notes, recommendations,

1 memoranda and other records in which opinions are
2 expressed, or policies or actions are formulated, except
3 that a specific record or relevant portion of a record
4 shall not be exempt when the record is publicly cited and
5 identified by the head of the public body. The exemption
6 provided in this paragraph (f) extends to all those records
7 of officers and agencies of the General Assembly that
8 pertain to the preparation of legislative documents.

9 (g) Trade secrets and commercial or financial
10 information obtained from a person or business where the
11 trade secrets or commercial or financial information are
12 furnished under a claim that they are proprietary,
13 privileged, or confidential, and that disclosure of the
14 trade secrets or commercial or financial information would
15 cause competitive harm to the person or business, and only
16 insofar as the claim directly applies to the records
17 requested.

18 The information included under this exemption includes
19 all trade secrets and commercial or financial information
20 obtained by a public body, including a public pension fund,
21 from a private equity fund or a privately held company
22 within the investment portfolio of a private equity fund as
23 a result of either investing or evaluating a potential
24 investment of public funds in a private equity fund. The
25 exemption contained in this item does not apply to the
26 aggregate financial performance information of a private

1 equity fund, nor to the identity of the fund's managers or
2 general partners. The exemption contained in this item does
3 not apply to the identity of a privately held company
4 within the investment portfolio of a private equity fund,
5 unless the disclosure of the identity of a privately held
6 company may cause competitive harm.

7 Nothing contained in this paragraph (g) shall be
8 construed to prevent a person or business from consenting
9 to disclosure.

10 (h) Proposals and bids for any contract, grant, or
11 agreement, including information which if it were
12 disclosed would frustrate procurement or give an advantage
13 to any person proposing to enter into a contractor
14 agreement with the body, until an award or final selection
15 is made. Information prepared by or for the body in
16 preparation of a bid solicitation shall be exempt until an
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,
19 designs, drawings and research data obtained or produced by
20 any public body when disclosure could reasonably be
21 expected to produce private gain or public loss. The
22 exemption for "computer geographic systems" provided in
23 this paragraph (i) does not extend to requests made by news
24 media as defined in Section 2 of this Act when the
25 requested information is not otherwise exempt and the only
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or
2 legal rights of the general public.

3 (j) The following information pertaining to
4 educational matters:

5 (i) test questions, scoring keys and other
6 examination data used to administer an academic
7 examination;

8 (ii) information received by a primary or
9 secondary school, college, or university under its
10 procedures for the evaluation of faculty members by
11 their academic peers;

12 (iii) information concerning a school or
13 university's adjudication of student disciplinary
14 cases, but only to the extent that disclosure would
15 unavoidably reveal the identity of the student; and

16 (iv) course materials or research materials used
17 by faculty members.

18 (k) Architects' plans, engineers' technical
19 submissions, and other construction related technical
20 documents for projects not constructed or developed in
21 whole or in part with public funds and the same for
22 projects constructed or developed with public funds,
23 including, but not limited to, power generating and
24 distribution stations and other transmission and
25 distribution facilities, water treatment facilities,
26 airport facilities, sport stadiums, convention centers,

1 and all government owned, operated, or occupied buildings,
2 but only to the extent that disclosure would compromise
3 security.

4 (l) Minutes of meetings of public bodies closed to the
5 public as provided in the Open Meetings Act until the
6 public body makes the minutes available to the public under
7 Section 2.06 of the Open Meetings Act.

8 (m) Communications between a public body and an
9 attorney or auditor representing the public body that would
10 not be subject to discovery in litigation, and materials
11 prepared or compiled by or for a public body in
12 anticipation of a criminal, civil, or administrative
13 proceeding upon the request of an attorney advising the
14 public body, and materials prepared or compiled with
15 respect to internal audits of public bodies.

16 (n) Records relating to a public body's adjudication of
17 employee grievances or disciplinary cases; however, this
18 exemption shall not extend to the final outcome of cases in
19 which discipline is imposed.

20 (o) Administrative or technical information associated
21 with automated data processing operations, including, but
22 not limited to, software, operating protocols, computer
23 program abstracts, file layouts, source listings, object
24 modules, load modules, user guides, documentation
25 pertaining to all logical and physical design of
26 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
3 materials exempt under this Section.

4 (p) Records relating to collective negotiating matters
5 between public bodies and their employees or
6 representatives, except that any final contract or
7 agreement shall be subject to inspection and copying.

8 (q) Test questions, scoring keys, and other
9 examination data used to determine the qualifications of an
10 applicant for a license or employment.

11 (r) The records, documents, and information relating
12 to real estate purchase negotiations until those
13 negotiations have been completed or otherwise terminated.
14 With regard to a parcel involved in a pending or actually
15 and reasonably contemplated eminent domain proceeding
16 under the Eminent Domain Act, records, documents, and
17 information relating to that parcel shall be exempt except
18 as may be allowed under discovery rules adopted by the
19 Illinois Supreme Court. The records, documents, and
20 information relating to a real estate sale shall be exempt
21 until a sale is consummated.

22 (s) Any and all proprietary information and records
23 related to the operation of an intergovernmental risk
24 management association or self-insurance pool or jointly
25 self-administered health and accident cooperative or pool.
26 Insurance or self insurance (including any

1 intergovernmental risk management association or self
2 insurance pool) claims, loss or risk management
3 information, records, data, advice or communications.

4 (t) Information contained in or related to
5 examination, operating, or condition reports prepared by,
6 on behalf of, or for the use of a public body responsible
7 for the regulation or supervision of financial
8 institutions, insurance companies, or pharmacy benefit
9 managers, unless disclosure is otherwise required by State
10 law.

11 (u) Information that would disclose or might lead to
12 the disclosure of secret or confidential information,
13 codes, algorithms, programs, or private keys intended to be
14 used to create electronic or digital signatures under the
15 Electronic Commerce Security Act.

16 (v) Vulnerability assessments, security measures, and
17 response policies or plans that are designed to identify,
18 prevent, or respond to potential attacks upon a community's
19 population or systems, facilities, or installations, the
20 destruction or contamination of which would constitute a
21 clear and present danger to the health or safety of the
22 community, but only to the extent that disclosure could
23 reasonably be expected to jeopardize the effectiveness of
24 the measures or the safety of the personnel who implement
25 them or the public. Information exempt under this item may
26 include such things as details pertaining to the

1 mobilization or deployment of personnel or equipment, to
2 the operation of communication systems or protocols, or to
3 tactical operations.

4 (w) (Blank).

5 (x) Maps and other records regarding the location or
6 security of generation, transmission, distribution,
7 storage, gathering, treatment, or switching facilities
8 owned by a utility, by a power generator, or by the
9 Illinois Power Agency.

10 (y) Information contained in or related to proposals,
11 bids, or negotiations related to electric power
12 procurement under Section 1-75 of the Illinois Power Agency
13 Act and Section 16-111.5 of the Public Utilities Act that
14 is determined to be confidential and proprietary by the
15 Illinois Power Agency or by the Illinois Commerce
16 Commission.

17 (z) Information about students exempted from
18 disclosure under Sections 10-20.38 or 34-18.29 of the
19 School Code, and information about undergraduate students
20 enrolled at an institution of higher education exempted
21 from disclosure under Section 25 of the Illinois Credit
22 Card Marketing Act of 2009.

23 (aa) Information the disclosure of which is exempted
24 under the Viatical Settlements Act of 2009.

25 (bb) Records and information provided to a mortality
26 review team and records maintained by a mortality review

1 team appointed under the Department of Juvenile Justice
2 Mortality Review Team Act.

3 (cc) Information regarding interments, entombments, or
4 inurnments of human remains that are submitted to the
5 Cemetery Oversight Database under the Cemetery Care Act or
6 the Cemetery Oversight Act, whichever is applicable.

7 (dd) Correspondence and records (i) that may not be
8 disclosed under Section 11-9 of the Illinois Public Aid
9 Code or (ii) that pertain to appeals under Section 11-8 of
10 the Illinois Public Aid Code.

11 (ee) The names, addresses, or other personal
12 information of persons who are minors and are also
13 participants and registrants in programs of park
14 districts, forest preserve districts, conservation
15 districts, recreation agencies, and special recreation
16 associations.

17 (ff) The names, addresses, or other personal
18 information of participants and registrants in programs of
19 park districts, forest preserve districts, conservation
20 districts, recreation agencies, and special recreation
21 associations where such programs are targeted primarily to
22 minors.

23 (gg) Confidential information described in Section
24 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

25 (hh) The report submitted to the State Board of
26 Education by the School Security and Standards Task Force

1 under item (8) of subsection (d) of Section 2-3.160 of the
2 School Code and any information contained in that report.

3 (ii) Records requested by persons committed to or
4 detained by the Department of Human Services under the
5 Sexually Violent Persons Commitment Act or committed to the
6 Department of Corrections under the Sexually Dangerous
7 Persons Act if those materials: (i) are available in the
8 library of the facility where the individual is confined;
9 (ii) include records from staff members' personnel files,
10 staff rosters, or other staffing assignment information;
11 or (iii) are available through an administrative request to
12 the Department of Human Services or the Department of
13 Corrections.

14 (jj) Confidential information described in Section
15 5-535 of the Civil Administrative Code of Illinois.

16 (kk) The public body's credit card numbers, debit card
17 numbers, bank account numbers, Federal Employer
18 Identification Number, security code numbers, passwords,
19 and similar account information, the disclosure of which
20 could result in identity theft or impersonation or defrauding
21 of a governmental entity or a person.

22 (ll) ~~(kk)~~ Records concerning the work of the threat
23 assessment team of a school district.

24 (1.5) Any information exempt from disclosure under the
25 Judicial Privacy Act shall be redacted from public records
26 prior to disclosure under this Act.

1 (2) A public record that is not in the possession of a
2 public body but is in the possession of a party with whom the
3 agency has contracted to perform a governmental function on
4 behalf of the public body, and that directly relates to the
5 governmental function and is not otherwise exempt under this
6 Act, shall be considered a public record of the public body,
7 for purposes of this Act.

8 (3) This Section does not authorize withholding of
9 information or limit the availability of records to the public,
10 except as stated in this Section or otherwise provided in this
11 Act.

12 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
13 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
14 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

15 (5 ILCS 140/7.5)

16 Sec. 7.5. Statutory exemptions. To the extent provided for
17 by the statutes referenced below, the following shall be exempt
18 from inspection and copying:

19 (a) All information determined to be confidential
20 under Section 4002 of the Technology Advancement and
21 Development Act.

22 (b) Library circulation and order records identifying
23 library users with specific materials under the Library
24 Records Confidentiality Act.

25 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other records
3 prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

12 (e) Information the disclosure of which is exempted
13 under Section 30 of the Radon Industry Licensing Act.

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the Capital
22 Crimes Litigation Act. This subsection (n) shall apply
23 until the conclusion of the trial of the case, even if the
24 prosecution chooses not to pursue the death penalty prior
25 to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Regional Transportation Authority under Section 2.11 of
7 the Regional Transportation Authority Act or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act.

10 (q) Information prohibited from being disclosed by the
11 Personnel Record Review Act.

12 (r) Information prohibited from being disclosed by the
13 Illinois School Student Records Act.

14 (s) Information the disclosure of which is restricted
15 under Section 5-108 of the Public Utilities Act.

16 (t) All identified or deidentified health information
17 in the form of health data or medical records contained in,
18 stored in, submitted to, transferred by, or released from
19 the Illinois Health Information Exchange, and identified
20 or deidentified health information in the form of health
21 data and medical records of the Illinois Health Information
22 Exchange in the possession of the Illinois Health
23 Information Exchange Authority due to its administration
24 of the Illinois Health Information Exchange. The terms
25 "identified" and "deidentified" shall be given the same
26 meaning as in the Health Insurance Portability and

1 Accountability Act of 1996, Public Law 104-191, or any
2 subsequent amendments thereto, and any regulations
3 promulgated thereunder.

4 (u) Records and information provided to an independent
5 team of experts under the Developmental Disability and
6 Mental Health Safety Act (also known as Brian's Law).

7 (v) Names and information of people who have applied
8 for or received Firearm Owner's Identification Cards under
9 the Firearm Owners Identification Card Act or applied for
10 or received a concealed carry license under the Firearm
11 Concealed Carry Act, unless otherwise authorized by the
12 Firearm Concealed Carry Act; and databases under the
13 Firearm Concealed Carry Act, records of the Concealed Carry
14 Licensing Review Board under the Firearm Concealed Carry
15 Act, and law enforcement agency objections under the
16 Firearm Concealed Carry Act.

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of an
3 eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

5 (z) Records and information provided to a fatality
6 review team or the Illinois Fatality Review Team Advisory
7 Council under Section 15 of the Adult Protective Services
8 Act.

9 (aa) Information which is exempted from disclosure
10 under Section 2.37 of the Wildlife Code.

11 (bb) Information which is or was prohibited from
12 disclosure by the Juvenile Court Act of 1987.

13 (cc) Recordings made under the Law Enforcement
14 Officer-Worn Body Camera Act, except to the extent
15 authorized under that Act.

16 (dd) Information that is prohibited from being
17 disclosed under Section 45 of the Condominium and Common
18 Interest Community Ombudsperson Act.

19 (ee) Information that is exempted from disclosure
20 under Section 30.1 of the Pharmacy Practice Act.

21 (ff) Information that is exempted from disclosure
22 under the Revised Uniform Unclaimed Property Act.

23 (gg) Information that is prohibited from being
24 disclosed under Section 7-603.5 of the Illinois Vehicle
25 Code.

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

2 (ii) Information which is exempted from disclosure
3 under Section 2505-800 of the Department of Revenue Law of
4 the Civil Administrative Code of Illinois.

5 (jj) Information and reports that are required to be
6 submitted to the Department of Labor by registering day and
7 temporary labor service agencies but are exempt from
8 disclosure under subsection (a-1) of Section 45 of the Day
9 and Temporary Labor Services Act.

10 (kk) Information prohibited from disclosure under the
11 Seizure and Forfeiture Reporting Act.

12 (ll) Information the disclosure of which is restricted
13 and exempted under Section 5-30.8 of the Illinois Public
14 Aid Code.

15 (mm) Records that are exempt from disclosure under
16 Section 4.2 of the Crime Victims Compensation Act.

17 (nn) Information that is exempt from disclosure under
18 Section 70 of the Higher Education Student Assistance Act.

19 (oo) Communications, notes, records, and reports
20 arising out of a peer support counseling session prohibited
21 from disclosure under the First Responders Suicide
22 Prevention Act.

23 (pp) Names and all identifying information relating to
24 an employee of an emergency services provider or law
25 enforcement agency under the First Responders Suicide
26 Prevention Act.

1 (qq) Information and records held by the Department of
2 Public Health and its authorized representatives collected
3 under the Reproductive Health Act.

4 (rr) Information that is exempt from disclosure under
5 the Cannabis Regulation and Tax Act.

6 (ss) Data reported by an employer to the Department of
7 Human Rights pursuant to Section 2-108 of the Illinois
8 Human Rights Act.

9 (tt) Recordings made under the Children's Advocacy
10 Center Act, except to the extent authorized under that Act.

11 (uu) Information that is exempt from disclosure under
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under
14 subsections (f) and (j) of Section 5-36 of the Illinois
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

21 (yy) ~~(oo)~~ Information prohibited from being disclosed
22 under the Illinois Educational Labor Relations Act.

23 (zz) ~~(pp)~~ Information prohibited from being disclosed
24 under the Illinois Public Labor Relations Act.

25 (aaa) ~~(qq)~~ Information prohibited from being disclosed
26 under Section 1-167 of the Illinois Pension Code.

1 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
2 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
3 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
4 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
5 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
6 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
7 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
8 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
9 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised
10 1-6-20.)

11 Section 20. The State Records Act is amended by changing
12 Section 3 as follows:

13 (5 ILCS 160/3) (from Ch. 116, par. 43.6)

14 Sec. 3. Records as property of State.

15 (a) All records created or received by or under the
16 authority of or coming into the custody, control, or possession
17 of public officials of this State in the course of their public
18 duties are the property of the State. These records may not be
19 mutilated, destroyed, transferred, removed, or otherwise
20 damaged or disposed of, in whole or in part, except as provided
21 by law. Any person shall have the right of access to any public
22 records, unless access to the records is otherwise limited or
23 prohibited by law. This subsection (a) does not apply to
24 records that are subject to expungement under subsection

1 ~~subsections~~ (1.5) and ~~(1.6)~~ of Section 5-915 of the Juvenile
2 Court Act of 1987.

3 (b) Reports and records of the obligation, receipt and use
4 of public funds of the State are public records available for
5 inspection by the public, except as access to such records is
6 otherwise limited or prohibited by law or pursuant to law.
7 These records shall be kept at the official place of business
8 of the State or at a designated place of business of the State.
9 These records shall be available for public inspection during
10 regular office hours except when in immediate use by persons
11 exercising official duties which require the use of those
12 records. Nothing in this section shall require the State to
13 invade or assist in the invasion of any person's right to
14 privacy. Nothing in this Section shall be construed to limit
15 any right given by statute or rule of law with respect to the
16 inspection of other types of records.

17 Warrants and vouchers in the keeping of the State
18 Comptroller may be destroyed by him as authorized in the
19 Comptroller's Records Act ~~"An Act in relation to the~~
20 ~~reproduction and destruction of records kept by the~~
21 ~~Comptroller", approved August 1, 1949, as now or hereafter~~
22 ~~amended~~ after obtaining the approval of the State Records
23 Commission.

24 (Source: P.A. 98-637, eff. 1-1-15; revised 7-17-19.)

25 Section 25. The State Employees Group Insurance Act of 1971

1 is amended by changing Section 3 as follows:

2 (5 ILCS 375/3) (from Ch. 127, par. 523)

3 Sec. 3. Definitions. Unless the context otherwise
4 requires, the following words and phrases as used in this Act
5 shall have the following meanings. The Department may define
6 these and other words and phrases separately for the purpose of
7 implementing specific programs providing benefits under this
8 Act.

9 (a) "Administrative service organization" means any
10 person, firm or corporation experienced in the handling of
11 claims which is fully qualified, financially sound and capable
12 of meeting the service requirements of a contract of
13 administration executed with the Department.

14 (b) "Annuitant" means (1) an employee who retires, or has
15 retired, on or after January 1, 1966 on an immediate annuity
16 under the provisions of Articles 2, 14 (including an employee
17 who has elected to receive an alternative retirement
18 cancellation payment under Section 14-108.5 of the Illinois
19 Pension Code in lieu of an annuity or who meets the criteria
20 for retirement, but in lieu of receiving an annuity under that
21 Article has elected to receive an accelerated pension benefit
22 payment under Section 14-147.5 of that Article), 15 (including
23 an employee who has retired under the optional retirement
24 program established under Section 15-158.2 or who meets the
25 criteria for retirement but in lieu of receiving an annuity

1 under that Article has elected to receive an accelerated
2 pension benefit payment under Section 15-185.5 of the Article),
3 paragraphs (2), (3), or (5) of Section 16-106 (including an
4 employee who meets the criteria for retirement, but in lieu of
5 receiving an annuity under that Article has elected to receive
6 an accelerated pension benefit payment under Section 16-190.5
7 of the Illinois Pension Code), or Article 18 of the Illinois
8 Pension Code; (2) any person who was receiving group insurance
9 coverage under this Act as of March 31, 1978 by reason of his
10 status as an annuitant, even though the annuity in relation to
11 which such coverage was provided is a proportional annuity
12 based on less than the minimum period of service required for a
13 retirement annuity in the system involved; (3) any person not
14 otherwise covered by this Act who has retired as a
15 participating member under Article 2 of the Illinois Pension
16 Code but is ineligible for the retirement annuity under Section
17 2-119 of the Illinois Pension Code; (4) the spouse of any
18 person who is receiving a retirement annuity under Article 18
19 of the Illinois Pension Code and who is covered under a group
20 health insurance program sponsored by a governmental employer
21 other than the State of Illinois and who has irrevocably
22 elected to waive his or her coverage under this Act and to have
23 his or her spouse considered as the "annuitant" under this Act
24 and not as a "dependent"; or (5) an employee who retires, or
25 has retired, from a qualified position, as determined according
26 to rules promulgated by the Director, under a qualified local

1 government, a qualified rehabilitation facility, a qualified
2 domestic violence shelter or service, or a qualified child
3 advocacy center. (For definition of "retired employee", see (p)
4 post).

5 (b-5) (Blank).

6 (b-6) (Blank).

7 (b-7) (Blank).

8 (c) "Carrier" means (1) an insurance company, a corporation
9 organized under the Limited Health Service Organization Act or
10 the Voluntary Health Services Plans ~~Plan~~ Act, a partnership, or
11 other nongovernmental organization, which is authorized to do
12 group life or group health insurance business in Illinois, or
13 (2) the State of Illinois as a self-insurer.

14 (d) "Compensation" means salary or wages payable on a
15 regular payroll by the State Treasurer on a warrant of the
16 State Comptroller out of any State, trust or federal fund, or
17 by the Governor of the State through a disbursing officer of
18 the State out of a trust or out of federal funds, or by any
19 Department out of State, trust, federal or other funds held by
20 the State Treasurer or the Department, to any person for
21 personal services currently performed, and ordinary or
22 accidental disability benefits under Articles 2, 14, 15
23 (including ordinary or accidental disability benefits under
24 the optional retirement program established under Section
25 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
26 Article 18 of the Illinois Pension Code, for disability

1 incurred after January 1, 1966, or benefits payable under the
2 Workers' Compensation or Occupational Diseases Act or benefits
3 payable under a sick pay plan established in accordance with
4 Section 36 of the State Finance Act. "Compensation" also means
5 salary or wages paid to an employee of any qualified local
6 government, qualified rehabilitation facility, qualified
7 domestic violence shelter or service, or qualified child
8 advocacy center.

9 (e) "Commission" means the State Employees Group Insurance
10 Advisory Commission authorized by this Act. Commencing July 1,
11 1984, "Commission" as used in this Act means the Commission on
12 Government Forecasting and Accountability as established by
13 the Legislative Commission Reorganization Act of 1984.

14 (f) "Contributory", when referred to as contributory
15 coverage, shall mean optional coverages or benefits elected by
16 the member toward the cost of which such member makes
17 contribution, or which are funded in whole or in part through
18 the acceptance of a reduction in earnings or the foregoing of
19 an increase in earnings by an employee, as distinguished from
20 noncontributory coverage or benefits which are paid entirely by
21 the State of Illinois without reduction of the member's salary.

22 (g) "Department" means any department, institution, board,
23 commission, officer, court or any agency of the State
24 government receiving appropriations and having power to
25 certify payrolls to the Comptroller authorizing payments of
26 salary and wages against such appropriations as are made by the

1 General Assembly from any State fund, or against trust funds
2 held by the State Treasurer and includes boards of trustees of
3 the retirement systems created by Articles 2, 14, 15, 16, and
4 18 of the Illinois Pension Code. "Department" also includes the
5 Illinois Comprehensive Health Insurance Board, the Board of
6 Examiners established under the Illinois Public Accounting
7 Act, and the Illinois Finance Authority.

8 (h) "Dependent", when the term is used in the context of
9 the health and life plan, means a member's spouse and any child
10 (1) from birth to age 26 including an adopted child, a child
11 who lives with the member from the time of the placement for
12 adoption until entry of an order of adoption, a stepchild or
13 adjudicated child, or a child who lives with the member if such
14 member is a court appointed guardian of the child or (2) age 19
15 or over who has a mental or physical disability from a cause
16 originating prior to the age of 19 (age 26 if enrolled as an
17 adult child dependent). For the health plan only, the term
18 "dependent" also includes (1) any person enrolled prior to the
19 effective date of this Section who is dependent upon the member
20 to the extent that the member may claim such person as a
21 dependent for income tax deduction purposes and (2) any person
22 who has received after June 30, 2000 an organ transplant and
23 who is financially dependent upon the member and eligible to be
24 claimed as a dependent for income tax purposes. A member
25 requesting to cover any dependent must provide documentation as
26 requested by the Department of Central Management Services and

1 file with the Department any and all forms required by the
2 Department.

3 (i) "Director" means the Director of the Illinois
4 Department of Central Management Services.

5 (j) "Eligibility period" means the period of time a member
6 has to elect enrollment in programs or to select benefits
7 without regard to age, sex or health.

8 (k) "Employee" means and includes each officer or employee
9 in the service of a department who (1) receives his
10 compensation for service rendered to the department on a
11 warrant issued pursuant to a payroll certified by a department
12 or on a warrant or check issued and drawn by a department upon
13 a trust, federal or other fund or on a warrant issued pursuant
14 to a payroll certified by an elected or duly appointed officer
15 of the State or who receives payment of the performance of
16 personal services on a warrant issued pursuant to a payroll
17 certified by a Department and drawn by the Comptroller upon the
18 State Treasurer against appropriations made by the General
19 Assembly from any fund or against trust funds held by the State
20 Treasurer, and (2) is employed full-time or part-time in a
21 position normally requiring actual performance of duty during
22 not less than 1/2 of a normal work period, as established by
23 the Director in cooperation with each department, except that
24 persons elected by popular vote will be considered employees
25 during the entire term for which they are elected regardless of
26 hours devoted to the service of the State, and (3) except that

1 "employee" does not include any person who is not eligible by
2 reason of such person's employment to participate in one of the
3 State retirement systems under Articles 2, 14, 15 (either the
4 regular Article 15 system or the optional retirement program
5 established under Section 15-158.2), 1 or 18, or under paragraph
6 (2), (3), or (5) of Section 16-106, of the Illinois Pension
7 Code, but such term does include persons who are employed
8 during the 6 month qualifying period under Article 14 of the
9 Illinois Pension Code. Such term also includes any person who
10 (1) after January 1, 1966, is receiving ordinary or accidental
11 disability benefits under Articles 2, 14, 15 (including
12 ordinary or accidental disability benefits under the optional
13 retirement program established under Section 15-158.2),
14 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
15 the Illinois Pension Code, for disability incurred after
16 January 1, 1966, (2) receives total permanent or total
17 temporary disability under the Workers' Compensation Act or
18 Occupational Disease Act as a result of injuries sustained or
19 illness contracted in the course of employment with the State
20 of Illinois, or (3) is not otherwise covered under this Act and
21 has retired as a participating member under Article 2 of the
22 Illinois Pension Code but is ineligible for the retirement
23 annuity under Section 2-119 of the Illinois Pension Code.
24 However, a person who satisfies the criteria of the foregoing
25 definition of "employee" except that such person is made
26 ineligible to participate in the State Universities Retirement

1 System by clause (4) of subsection (a) of Section 15-107 of the
2 Illinois Pension Code is also an "employee" for the purposes of
3 this Act. "Employee" also includes any person receiving or
4 eligible for benefits under a sick pay plan established in
5 accordance with Section 36 of the State Finance Act. "Employee"
6 also includes (i) each officer or employee in the service of a
7 qualified local government, including persons appointed as
8 trustees of sanitary districts regardless of hours devoted to
9 the service of the sanitary district, (ii) each employee in the
10 service of a qualified rehabilitation facility, (iii) each
11 full-time employee in the service of a qualified domestic
12 violence shelter or service, and (iv) each full-time employee
13 in the service of a qualified child advocacy center, as
14 determined according to rules promulgated by the Director.

15 (1) "Member" means an employee, annuitant, retired
16 employee or survivor. In the case of an annuitant or retired
17 employee who first becomes an annuitant or retired employee on
18 or after January 13, 2012 (the effective date of Public Act
19 97-668) ~~this amendatory Act of the 97th General Assembly~~, the
20 individual must meet the minimum vesting requirements of the
21 applicable retirement system in order to be eligible for group
22 insurance benefits under that system. In the case of a survivor
23 who first becomes a survivor on or after January 13, 2012 (the
24 effective date of Public Act 97-668) ~~this amendatory Act of the~~
25 ~~97th General Assembly~~, the deceased employee, annuitant, or
26 retired employee upon whom the annuity is based must have been

1 eligible to participate in the group insurance system under the
2 applicable retirement system in order for the survivor to be
3 eligible for group insurance benefits under that system.

4 (m) "Optional coverages or benefits" means those coverages
5 or benefits available to the member on his or her voluntary
6 election, and at his or her own expense.

7 (n) "Program" means the group life insurance, health
8 benefits and other employee benefits designed and contracted
9 for by the Director under this Act.

10 (o) "Health plan" means a health benefits program offered
11 by the State of Illinois for persons eligible for the plan.

12 (p) "Retired employee" means any person who would be an
13 annuitant as that term is defined herein but for the fact that
14 such person retired prior to January 1, 1966. Such term also
15 includes any person formerly employed by the University of
16 Illinois in the Cooperative Extension Service who would be an
17 annuitant but for the fact that such person was made ineligible
18 to participate in the State Universities Retirement System by
19 clause (4) of subsection (a) of Section 15-107 of the Illinois
20 Pension Code.

21 (q) "Survivor" means a person receiving an annuity as a
22 survivor of an employee or of an annuitant. "Survivor" also
23 includes: (1) the surviving dependent of a person who satisfies
24 the definition of "employee" except that such person is made
25 ineligible to participate in the State Universities Retirement
26 System by clause (4) of subsection (a) of Section 15-107 of the

1 Illinois Pension Code; (2) the surviving dependent of any
2 person formerly employed by the University of Illinois in the
3 Cooperative Extension Service who would be an annuitant except
4 for the fact that such person was made ineligible to
5 participate in the State Universities Retirement System by
6 clause (4) of subsection (a) of Section 15-107 of the Illinois
7 Pension Code; (3) the surviving dependent of a person who was
8 an annuitant under this Act by virtue of receiving an
9 alternative retirement cancellation payment under Section
10 14-108.5 of the Illinois Pension Code; and (4) a person who
11 would be receiving an annuity as a survivor of an annuitant
12 except that the annuitant elected on or after June 4, 2018 to
13 receive an accelerated pension benefit payment under Section
14 14-147.5, 15-185.5, or 16-190.5 of the Illinois Pension Code in
15 lieu of receiving an annuity.

16 (q-2) "SERS" means the State Employees' Retirement System
17 of Illinois, created under Article 14 of the Illinois Pension
18 Code.

19 (q-3) "SURS" means the State Universities Retirement
20 System, created under Article 15 of the Illinois Pension Code.

21 (q-4) "TRS" means the Teachers' Retirement System of the
22 State of Illinois, created under Article 16 of the Illinois
23 Pension Code.

24 (q-5) (Blank).

25 (q-6) (Blank).

26 (q-7) (Blank).

1 (r) "Medical services" means the services provided within
2 the scope of their licenses by practitioners in all categories
3 licensed under the Medical Practice Act of 1987.

4 (s) "Unit of local government" means any county,
5 municipality, township, school district (including a
6 combination of school districts under the Intergovernmental
7 Cooperation Act), special district or other unit, designated as
8 a unit of local government by law, which exercises limited
9 governmental powers or powers in respect to limited
10 governmental subjects, any not-for-profit association with a
11 membership that primarily includes townships and township
12 officials, that has duties that include provision of research
13 service, dissemination of information, and other acts for the
14 purpose of improving township government, and that is funded
15 wholly or partly in accordance with Section 85-15 of the
16 Township Code; any not-for-profit corporation or association,
17 with a membership consisting primarily of municipalities, that
18 operates its own utility system, and provides research,
19 training, dissemination of information, or other acts to
20 promote cooperation between and among municipalities that
21 provide utility services and for the advancement of the goals
22 and purposes of its membership; the Southern Illinois
23 Collegiate Common Market, which is a consortium of higher
24 education institutions in Southern Illinois; the Illinois
25 Association of Park Districts; and any hospital provider that
26 is owned by a county that has 100 or fewer hospital beds and

1 has not already joined the program. "Qualified local
2 government" means a unit of local government approved by the
3 Director and participating in a program created under
4 subsection (i) of Section 10 of this Act.

5 (t) "Qualified rehabilitation facility" means any
6 not-for-profit organization that is accredited by the
7 Commission on Accreditation of Rehabilitation Facilities or
8 certified by the Department of Human Services (as successor to
9 the Department of Mental Health and Developmental
10 Disabilities) to provide services to persons with disabilities
11 and which receives funds from the State of Illinois for
12 providing those services, approved by the Director and
13 participating in a program created under subsection (j) of
14 Section 10 of this Act.

15 (u) "Qualified domestic violence shelter or service" means
16 any Illinois domestic violence shelter or service and its
17 administrative offices funded by the Department of Human
18 Services (as successor to the Illinois Department of Public
19 Aid), approved by the Director and participating in a program
20 created under subsection (k) of Section 10.

21 (v) "TRS benefit recipient" means a person who:

22 (1) is not a "member" as defined in this Section; and

23 (2) is receiving a monthly benefit or retirement
24 annuity under Article 16 of the Illinois Pension Code or
25 would be receiving such monthly benefit or retirement
26 annuity except that the benefit recipient elected on or

1 after June 4, 2018 to receive an accelerated pension
2 benefit payment under Section 16-190.5 of the Illinois
3 Pension Code in lieu of receiving an annuity; and

4 (3) either (i) has at least 8 years of creditable
5 service under Article 16 of the Illinois Pension Code, or
6 (ii) was enrolled in the health insurance program offered
7 under that Article on January 1, 1996, or (iii) is the
8 survivor of a benefit recipient who had at least 8 years of
9 creditable service under Article 16 of the Illinois Pension
10 Code or was enrolled in the health insurance program
11 offered under that Article on June 21, 1995 (the effective
12 date of Public Act 89-25) ~~this amendatory Act of 1995~~, or
13 (iv) is a recipient or survivor of a recipient of a
14 disability benefit under Article 16 of the Illinois Pension
15 Code.

16 (w) "TRS dependent beneficiary" means a person who:

17 (1) is not a "member" or "dependent" as defined in this
18 Section; and

19 (2) is a TRS benefit recipient's: (A) spouse, (B)
20 dependent parent who is receiving at least half of his or
21 her support from the TRS benefit recipient, or (C) natural,
22 step, adjudicated, or adopted child who is (i) under age
23 26, (ii) was, on January 1, 1996, participating as a
24 dependent beneficiary in the health insurance program
25 offered under Article 16 of the Illinois Pension Code, or
26 (iii) age 19 or over who has a mental or physical

1 disability from a cause originating prior to the age of 19
2 (age 26 if enrolled as an adult child).

3 "TRS dependent beneficiary" does not include, as indicated
4 under paragraph (2) of this subsection (w), a dependent of the
5 survivor of a TRS benefit recipient who first becomes a
6 dependent of a survivor of a TRS benefit recipient on or after
7 January 13, 2012 (the effective date of Public Act 97-668) ~~this~~
8 ~~amendatory Act of the 97th General Assembly~~ unless that
9 dependent would have been eligible for coverage as a dependent
10 of the deceased TRS benefit recipient upon whom the survivor
11 benefit is based.

12 (x) "Military leave" refers to individuals in basic
13 training for reserves, special/advanced training, annual
14 training, emergency call up, activation by the President of the
15 United States, or any other training or duty in service to the
16 United States Armed Forces.

17 (y) (Blank).

18 (z) "Community college benefit recipient" means a person
19 who:

20 (1) is not a "member" as defined in this Section; and

21 (2) is receiving a monthly survivor's annuity or
22 retirement annuity under Article 15 of the Illinois Pension
23 Code or would be receiving such monthly survivor's annuity
24 or retirement annuity except that the benefit recipient
25 elected on or after June 4, 2018 to receive an accelerated
26 pension benefit payment under Section 15-185.5 of the

1 Illinois Pension Code in lieu of receiving an annuity; and

2 (3) either (i) was a full-time employee of a community
3 college district or an association of community college
4 boards created under the Public Community College Act
5 (other than an employee whose last employer under Article
6 15 of the Illinois Pension Code was a community college
7 district subject to Article VII of the Public Community
8 College Act) and was eligible to participate in a group
9 health benefit plan as an employee during the time of
10 employment with a community college district (other than a
11 community college district subject to Article VII of the
12 Public Community College Act) or an association of
13 community college boards, or (ii) is the survivor of a
14 person described in item (i).

15 (aa) "Community college dependent beneficiary" means a
16 person who:

17 (1) is not a "member" or "dependent" as defined in this
18 Section; and

19 (2) is a community college benefit recipient's: (A)
20 spouse, (B) dependent parent who is receiving at least half
21 of his or her support from the community college benefit
22 recipient, or (C) natural, step, adjudicated, or adopted
23 child who is (i) under age 26, or (ii) age 19 or over and
24 has a mental or physical disability from a cause
25 originating prior to the age of 19 (age 26 if enrolled as
26 an adult child).

1 "Community college dependent beneficiary" does not
2 include, as indicated under paragraph (2) of this subsection
3 (aa), a dependent of the survivor of a community college
4 benefit recipient who first becomes a dependent of a survivor
5 of a community college benefit recipient on or after January
6 13, 2012 (the effective date of Public Act 97-668) ~~this~~
7 ~~amendatory Act of the 97th General Assembly~~ unless that
8 dependent would have been eligible for coverage as a dependent
9 of the deceased community college benefit recipient upon whom
10 the survivor annuity is based.

11 (bb) "Qualified child advocacy center" means any Illinois
12 child advocacy center and its administrative offices funded by
13 the Department of Children and Family Services, as defined by
14 the Children's Advocacy Center Act (55 ILCS 80/), approved by
15 the Director and participating in a program created under
16 subsection (n) of Section 10.

17 (cc) "Placement for adoption" means the assumption and
18 retention by a member of a legal obligation for total or
19 partial support of a child in anticipation of adoption of the
20 child. The child's placement with the member terminates upon
21 the termination of such legal obligation.

22 (Source: P.A. 100-355, eff. 1-1-18; 100-587, eff. 6-4-18;
23 101-242, eff. 8-9-19; revised 9-19-19.)

24 Section 30. The State Services Assurance Act for FY2008 is
25 amended by changing Section 3-15 as follows:

1 (5 ILCS 382/3-15)

2 Sec. 3-15. Staffing standards. On or before July 1, 2008
3 each named agency shall increase and maintain the number of
4 bilingual on-board frontline staff over the levels that it
5 maintained on June 30, 2007 as follows:

6 (1) The Department of Corrections shall have at least
7 40 additional bilingual on-board frontline staff.

8 (2) Mental health and developmental centers operated
9 by the Department of Human Services shall have at least 20
10 additional bilingual on-board frontline staff.

11 (3) Family and Community Resource Centers operated by
12 the Department of Human Services shall have at least 100
13 additional bilingual on-board frontline staff.

14 (4) The Department of Children and Family Services
15 shall have at least 40 additional bilingual on-board
16 frontline staff.

17 (5) The Department of Veterans' ~~Veterans~~ Affairs shall
18 have at least 5 additional bilingual on-board frontline
19 staff.

20 (6) The Environmental Protection Agency shall have at
21 least 5 additional bilingual on-board frontline staff.

22 (7) The Department of Employment Security shall have at
23 least 10 additional bilingual on-board frontline staff.

24 (8) The Department of Natural Resources shall have at
25 least 5 additional bilingual on-board frontline staff.

1 (9) The Department of Public Health shall have at least
2 5 additional bilingual on-board frontline staff.

3 (10) The Department of State Police shall have at least
4 5 additional bilingual on-board frontline staff.

5 (11) The Department of Juvenile Justice shall have at
6 least 25 additional bilingual on-board frontline staff.

7 (Source: P.A. 95-707, eff. 1-11-08; revised 9-19-16.)

8 Section 35. The Illinois Governmental Ethics Act is amended
9 by changing Section 4A-108 as follows:

10 (5 ILCS 420/4A-108)

11 Sec. 4A-108. Internet-based systems of filing.

12 (a) Notwithstanding any other provision of this Act or any
13 other law, the Secretary of State and county clerks are
14 authorized to institute an Internet-based system for the filing
15 of statements of economic interests in their offices. With
16 respect to county clerk systems, the determination to institute
17 such a system shall be in the sole discretion of the county
18 clerk and shall meet the requirements set out in this Section.
19 With respect to a Secretary of State system, the determination
20 to institute such a system shall be in the sole discretion of
21 the Secretary of State and shall meet the requirements set out
22 in this Section and those Sections of the State Officials and
23 Employees Ethics Act requiring ethics officer review prior to
24 filing. The system shall be capable of allowing an ethics

1 officer to approve a statement of economic interests and shall
2 include a means to amend a statement of economic interests.
3 When this Section does not modify or remove the requirements
4 set forth elsewhere in this Article, those requirements shall
5 apply to any system of Internet-based filing authorized by this
6 Section. When this Section does modify or remove the
7 requirements set forth elsewhere in this Article, the
8 provisions of this Section shall apply to any system of
9 Internet-based filing authorized by this Section.

10 (b) In any system of Internet-based filing of statements of
11 economic interests instituted by the Secretary of State or a
12 county clerk:

13 (1) Any filing of an Internet-based statement of
14 economic interests shall be the equivalent of the filing of
15 a verified, written statement of economic interests as
16 required by Section 4A-101 or 4A-101.5 and the equivalent
17 of the filing of a verified, dated, and signed statement of
18 economic interests as required by Section 4A-104.

19 (2) The Secretary of State and county clerks who
20 institute a system of Internet-based filing of statements
21 of economic interests shall establish a password-protected
22 website to receive the filings of such statements. A
23 website established under this Section shall set forth and
24 provide a means of responding to the items set forth in
25 Section 4A-102 that are required of a person who files a
26 statement of economic interests with that officer. A

1 website established under this Section shall set forth and
2 provide a means of generating a printable receipt page
3 acknowledging filing.

4 (3) The times for the filing of statements of economic
5 interests set forth in Section 4A-105 shall be followed in
6 any system of Internet-based filing of statements of
7 economic interests; provided that a candidate for elective
8 office who is required to file a statement of economic
9 interests in relation to his or her candidacy pursuant to
10 Section 4A-105(a) shall receive a written or printed
11 receipt for his or her filing.

12 A candidate filing for Governor, Lieutenant Governor,
13 Attorney General, Secretary of State, Treasurer,
14 Comptroller, State Senate, or State House of
15 Representatives shall not use the Internet to file his or
16 her statement of economic interests, but shall file his or
17 her statement of economic interests in a written or printed
18 form and shall receive a written or printed receipt for his
19 or her filing. Annually, the duly appointed ethics officer
20 for each legislative caucus shall certify to the Secretary
21 of State whether his or her caucus members will file their
22 statements of economic interests electronically or in a
23 written or printed format for that year. If the ethics
24 officer for a caucus certifies that the statements of
25 economic interests shall be written or printed, then
26 members of the General Assembly of that caucus shall not

1 use the Internet to file his or her statement of economic
2 interests, but shall file his or her statement of economic
3 interests in a written or printed form and shall receive a
4 written or printed receipt for his or her filing. If no
5 certification is made by an ethics officer for a
6 legislative caucus, or if a member of the General Assembly
7 is not affiliated with a legislative caucus, then the
8 affected member or members of the General Assembly may file
9 their statements of economic interests using the Internet.

10 (4) In the first year of the implementation of a system
11 of Internet-based filing of statements of economic
12 interests, each person required to file such a statement is
13 to be notified in writing of his or her obligation to file
14 his or her statement of economic interests by way of the
15 Internet-based system. If access to the website ~~web-site~~
16 requires a code or password, this information shall be
17 included in the notice prescribed by this paragraph.

18 (5) When a person required to file a statement of
19 economic interests has supplied the Secretary of State or a
20 county clerk, as applicable, with an email address for the
21 purpose of receiving notices under this Article by email, a
22 notice sent by email to the supplied email address shall be
23 the equivalent of a notice sent by first class mail, as set
24 forth in Section 4A-106 or 4A-106.5. A person who has
25 supplied such an email address shall notify the Secretary
26 of State or county clerk, as applicable, when his or her

1 email address changes or if he or she no longer wishes to
2 receive notices by email.

3 (6) If any person who is required to file a statement
4 of economic interests and who has chosen to receive notices
5 by email fails to file his or her statement by May 10, then
6 the Secretary of State or county clerk, as applicable,
7 shall send an additional email notice on that date,
8 informing the person that he or she has not filed and
9 describing the penalties for late filing and failing to
10 file. This notice shall be in addition to other notices
11 provided for in this Article.

12 (7) The Secretary of State and each county clerk who
13 institutes a system of Internet-based filing of statements
14 of economic interests may also institute an Internet-based
15 process for the filing of the list of names and addresses
16 of persons required to file statements of economic
17 interests by the chief administrative officers that must
18 file such information with the Secretary of State or county
19 clerk, as applicable, pursuant to Section 4A-106 or
20 4A-106.5. Whenever the Secretary of State or a county clerk
21 institutes such a system under this paragraph, every chief
22 administrative officer must use the system to file this
23 information.

24 (8) The Secretary of State and any county clerk who
25 institutes a system of Internet-based filing of statements
26 of economic interests shall post the contents of such

1 statements filed with him or her available for inspection
2 and copying on a publicly accessible website. Such postings
3 shall not include the addresses or signatures of the
4 filers.

5 (Source: P.A. 100-1041, eff. 1-1-19; 101-221, eff. 8-9-19;
6 revised 9-12-19.)

7 Section 40. The State Officials and Employees Ethics Act is
8 amended by changing Sections 20-10 and 25-10 as follows:

9 (5 ILCS 430/20-10)

10 Sec. 20-10. Offices of Executive Inspectors General.

11 (a) Five independent Offices of the Executive Inspector
12 General are created, one each for the Governor, the Attorney
13 General, the Secretary of State, the Comptroller, and the
14 Treasurer. Each Office shall be under the direction and
15 supervision of an Executive Inspector General and shall be a
16 fully independent office with separate appropriations.

17 (b) The Governor, Attorney General, Secretary of State,
18 Comptroller, and Treasurer shall each appoint an Executive
19 Inspector General, without regard to political affiliation and
20 solely on the basis of integrity and demonstrated ability.
21 Appointments shall be made by and with the advice and consent
22 of the Senate by three-fifths of the elected members concurring
23 by record vote. Any nomination not acted upon by the Senate
24 within 60 session days of the receipt thereof shall be deemed

1 to have received the advice and consent of the Senate. If,
2 during a recess of the Senate, there is a vacancy in an office
3 of Executive Inspector General, the appointing authority shall
4 make a temporary appointment until the next meeting of the
5 Senate when the appointing authority shall make a nomination to
6 fill that office. No person rejected for an office of Executive
7 Inspector General shall, except by the Senate's request, be
8 nominated again for that office at the same session of the
9 Senate or be appointed to that office during a recess of that
10 Senate.

11 Nothing in this Article precludes the appointment by the
12 Governor, Attorney General, Secretary of State, Comptroller,
13 or Treasurer of any other inspector general required or
14 permitted by law. The Governor, Attorney General, Secretary of
15 State, Comptroller, and Treasurer each may appoint an existing
16 inspector general as the Executive Inspector General required
17 by this Article, provided that such an inspector general is not
18 prohibited by law, rule, jurisdiction, qualification, or
19 interest from serving as the Executive Inspector General
20 required by this Article. An appointing authority may not
21 appoint a relative as an Executive Inspector General.

22 Each Executive Inspector General shall have the following
23 qualifications:

24 (1) has not been convicted of any felony under the laws
25 of this State, another State, or the United States;

26 (2) has earned a baccalaureate degree from an

1 institution of higher education; and

2 (3) has 5 or more years of cumulative service (A) with
3 a federal, State, or local law enforcement agency, at least
4 2 years of which have been in a progressive investigatory
5 capacity; (B) as a federal, State, or local prosecutor; (C)
6 as a senior manager or executive of a federal, State, or
7 local agency; (D) as a member, an officer, or a State or
8 federal judge; or (E) representing any combination of items
9 (A) through (D).

10 The term of each initial Executive Inspector General shall
11 commence upon qualification and shall run through June 30,
12 2008. The initial appointments shall be made within 60 days
13 after the effective date of this Act.

14 After the initial term, each Executive Inspector General
15 shall serve for 5-year terms commencing on July 1 of the year
16 of appointment and running through June 30 of the fifth
17 following year. An Executive Inspector General may be
18 reappointed to one or more subsequent terms.

19 A vacancy occurring other than at the end of a term shall
20 be filled by the appointing authority only for the balance of
21 the term of the Executive Inspector General whose office is
22 vacant.

23 Terms shall run regardless of whether the position is
24 filled.

25 (c) The Executive Inspector General appointed by the
26 Attorney General shall have jurisdiction over the Attorney

1 General and all officers and employees of, and vendors and
2 others doing business with, State agencies within the
3 jurisdiction of the Attorney General. The Executive Inspector
4 General appointed by the Secretary of State shall have
5 jurisdiction over the Secretary of State and all officers and
6 employees of, and vendors and others doing business with, State
7 agencies within the jurisdiction of the Secretary of State. The
8 Executive Inspector General appointed by the Comptroller shall
9 have jurisdiction over the Comptroller and all officers and
10 employees of, and vendors and others doing business with, State
11 agencies within the jurisdiction of the Comptroller. The
12 Executive Inspector General appointed by the Treasurer shall
13 have jurisdiction over the Treasurer and all officers and
14 employees of, and vendors and others doing business with, State
15 agencies within the jurisdiction of the Treasurer. The
16 Executive Inspector General appointed by the Governor shall
17 have jurisdiction over (i) the Governor, (ii) the Lieutenant
18 Governor, (iii) all officers and employees of, and vendors and
19 others doing business with, executive branch State agencies
20 under the jurisdiction of the Executive Ethics Commission and
21 not within the jurisdiction of the Attorney General, the
22 Secretary of State, the Comptroller, or the Treasurer, and (iv)
23 all board members and employees of the Regional Transit Boards
24 and all vendors and others doing business with the Regional
25 Transit Boards.

26 The jurisdiction of each Executive Inspector General is to

1 investigate allegations of fraud, waste, abuse, mismanagement,
2 misconduct, nonfeasance, misfeasance, malfeasance, or
3 violations of this Act or violations of other related laws and
4 rules.

5 Each Executive Inspector General shall have jurisdiction
6 over complainants in violation of subsection (e) of Section
7 20-63 for disclosing a summary report prepared by the
8 respective Executive Inspector General.

9 (d) The compensation for each Executive Inspector General
10 shall be determined by the Executive Ethics Commission and
11 shall be made from appropriations made to the Comptroller for
12 this purpose. Subject to Section 20-45 of this Act, each
13 Executive Inspector General has full authority to organize his
14 or her Office of the Executive Inspector General, including the
15 employment and determination of the compensation of staff, such
16 as deputies, assistants, and other employees, as
17 appropriations permit. A separate appropriation shall be made
18 for each Office of Executive Inspector General.

19 (e) No Executive Inspector General or employee of the
20 Office of the Executive Inspector General may, during his or
21 her term of appointment or employment:

22 (1) become a candidate for any elective office;

23 (2) hold any other elected or appointed public office
24 except for appointments on governmental advisory boards or
25 study commissions or as otherwise expressly authorized by
26 law;

1 (3) be actively involved in the affairs of any
2 political party or political organization; or

3 (4) advocate for the appointment of another person to
4 an appointed or elected office or position or actively
5 participate in any campaign for any elective office.

6 In this subsection an appointed public office means a
7 position authorized by law that is filled by an appointing
8 authority as provided by law and does not include employment by
9 hiring in the ordinary course of business.

10 (e-1) No Executive Inspector General or employee of the
11 Office of the Executive Inspector General may, for one year
12 after the termination of his or her appointment or employment:

13 (1) become a candidate for any elective office;

14 (2) hold any elected public office; or

15 (3) hold any appointed State, county, or local judicial
16 office.

17 (e-2) The requirements of item (3) of subsection (e-1) may
18 be waived by the Executive Ethics Commission.

19 (f) An Executive Inspector General may be removed only for
20 cause and may be removed only by the appointing constitutional
21 officer. At the time of the removal, the appointing
22 constitutional officer must report to the Executive Ethics
23 Commission the justification for the removal.

24 (Source: P.A. 101-221, eff. 8-9-19; revised 9-13-19.)

25 (5 ILCS 430/25-10)

1 Sec. 25-10. Office of Legislative Inspector General.

2 (a) The independent Office of the Legislative Inspector
3 General is created. The Office shall be under the direction and
4 supervision of the Legislative Inspector General and shall be a
5 fully independent office with its own appropriation.

6 (b) The Legislative Inspector General shall be appointed
7 without regard to political affiliation and solely on the basis
8 of integrity and demonstrated ability. The Legislative Ethics
9 Commission shall diligently search out qualified candidates
10 for Legislative Inspector General and shall make
11 recommendations to the General Assembly. The Legislative
12 Inspector General may serve in a full-time, part-time, or
13 contractual capacity.

14 The Legislative Inspector General shall be appointed by a
15 joint resolution of the Senate and the House of
16 Representatives, which may specify the date on which the
17 appointment takes effect. A joint resolution, or other document
18 as may be specified by the Joint Rules of the General Assembly,
19 appointing the Legislative Inspector General must be certified
20 by the Speaker of the House of Representatives and the
21 President of the Senate as having been adopted by the
22 affirmative vote of three-fifths of the members elected to each
23 house, respectively, and be filed with the Secretary of State.
24 The appointment of the Legislative Inspector General takes
25 effect on the day the appointment is completed by the General
26 Assembly, unless the appointment specifies a later date on

1 which it is to become effective.

2 The Legislative Inspector General shall have the following
3 qualifications:

4 (1) has not been convicted of any felony under the laws
5 of this State, another state, or the United States;

6 (2) has earned a baccalaureate degree from an
7 institution of higher education; and

8 (3) has 5 or more years of cumulative service (A) with
9 a federal, State, or local law enforcement agency, at least
10 2 years of which have been in a progressive investigatory
11 capacity; (B) as a federal, State, or local prosecutor; (C)
12 as a senior manager or executive of a federal, State, or
13 local agency; (D) as a member, an officer, or a State or
14 federal judge; or (E) representing any combination of items
15 (A) through (D).

16 The Legislative Inspector General may not be a relative of
17 a commissioner.

18 The term of the initial Legislative Inspector General shall
19 commence upon qualification and shall run through June 30,
20 2008.

21 After the initial term, the Legislative Inspector General
22 shall serve for 5-year terms commencing on July 1 of the year
23 of appointment and running through June 30 of the fifth
24 following year. The Legislative Inspector General may be
25 reappointed to one or more subsequent terms. Terms shall run
26 regardless of whether the position is filled.

1 (b-5) A vacancy occurring other than at the end of a term
2 shall be filled in the same manner as an appointment only for
3 the balance of the term of the Legislative Inspector General
4 whose office is vacant. Within 7 days of the Office becoming
5 vacant or receipt of a Legislative Inspector General's
6 prospective resignation, the vacancy shall be publicly posted
7 on the Commission's website, along with a description of the
8 requirements for the position and where applicants may apply.

9 Within 45 days of the vacancy, the Commission shall
10 designate an Acting Legislative Inspector General who shall
11 serve until the vacancy is filled. The Commission shall file
12 the designation in writing with the Secretary of State.

13 Within 60 days prior to the end of the term of the
14 Legislative Inspector General or within 30 days of the
15 occurrence of a vacancy in the Office of the Legislative
16 Inspector General, the Legislative Ethics Commission shall
17 establish a four-member search committee within the Commission
18 for the purpose of conducting a search for qualified candidates
19 to serve as Legislative Inspector General. The Speaker of the
20 House of Representatives, Minority Leader of the House, Senate
21 President, and Minority Leader of the Senate shall each appoint
22 one member to the search committee. A member of the search
23 committee shall be either a retired judge or former prosecutor
24 and may not be a member or employee of the General Assembly or
25 a registered lobbyist. If the Legislative Ethics Commission
26 wishes to recommend that the Legislative Inspector General be

1 re-appointed, a search committee does not need to be appointed.

2 The search committee shall conduct a search for qualified
3 candidates, accept applications, and conduct interviews. The
4 search committee shall recommend up to 3 candidates for
5 Legislative Inspector General to the Legislative Ethics
6 Commission. The search committee shall be disbanded upon an
7 appointment of the Legislative Inspector General. Members of
8 the search committee are not entitled to compensation but shall
9 be entitled to reimbursement of reasonable expenses incurred in
10 connection with the performance of their duties.

11 Within 30 days after June 8, 2018 (the effective date of
12 Public Act 100-588) ~~this amendatory Act of the 100th General~~
13 ~~Assembly~~, the Legislative Ethics Commission shall create a
14 search committee in the manner provided for in this subsection
15 to recommend up to 3 candidates for Legislative Inspector
16 General to the Legislative Ethics Commission by October 31,
17 2018.

18 If a vacancy exists and the Commission has not appointed an
19 Acting Legislative Inspector General, either the staff of the
20 Office of the Legislative Inspector General, or if there is no
21 staff, the Executive Director, shall advise the Commission of
22 all open investigations and any new allegations or complaints
23 received in the Office of the Inspector General. These reports
24 shall not include the name of any person identified in the
25 allegation or complaint, including, but not limited to, the
26 subject of and the person filing the allegation or complaint.

1 Notification shall be made to the Commission on a weekly basis
2 unless the Commission approves of a different reporting
3 schedule.

4 If the Office of the Inspector General is vacant for 6
5 months or more beginning on or after January 1, 2019, and the
6 Legislative Ethics Commission has not appointed an Acting
7 Legislative Inspector General, all complaints made to the
8 Legislative Inspector General or the Legislative Ethics
9 Commission shall be directed to the Inspector General for the
10 Auditor General, and he or she shall have the authority to act
11 as provided in subsection (c) of this Section and Section 25-20
12 of this Act, and shall be subject to all laws and rules
13 governing a Legislative Inspector General or Acting
14 Legislative Inspector General. The authority for the Inspector
15 General of the Auditor General under this paragraph shall
16 terminate upon appointment of a Legislative Inspector General
17 or an Acting Legislative Inspector General.

18 (c) The Legislative Inspector General shall have
19 jurisdiction over the current and former members of the General
20 Assembly regarding events occurring during a member's term of
21 office and current and former State employees regarding events
22 occurring during any period of employment where the State
23 employee's ultimate jurisdictional authority is (i) a
24 legislative leader, (ii) the Senate Operations Commission, or
25 (iii) the Joint Committee on Legislative Support Services.

26 The jurisdiction of each Legislative Inspector General is

1 to investigate allegations of fraud, waste, abuse,
2 mismanagement, misconduct, nonfeasance, misfeasance,
3 malfeasance, or violations of this Act or violations of other
4 related laws and rules.

5 The Legislative Inspector General shall have jurisdiction
6 over complainants in violation of subsection (e) of Section
7 25-63 of this Act.

8 (d) The compensation of the Legislative Inspector General
9 shall be the greater of an amount ~~(i)~~ determined (i) by the
10 Commission or (ii) by joint resolution of the General Assembly
11 passed by a majority of members elected in each chamber.
12 Subject to Section 25-45 of this Act, the Legislative Inspector
13 General has full authority to organize the Office of the
14 Legislative Inspector General, including the employment and
15 determination of the compensation of staff, such as deputies,
16 assistants, and other employees, as appropriations permit.
17 Employment of staff is subject to the approval of at least 3 of
18 the 4 legislative leaders.

19 (e) No Legislative Inspector General or employee of the
20 Office of the Legislative Inspector General may, during his or
21 her term of appointment or employment:

22 (1) become a candidate for any elective office;

23 (2) hold any other elected or appointed public office
24 except for appointments on governmental advisory boards or
25 study commissions or as otherwise expressly authorized by
26 law;

1 (3) be actively involved in the affairs of any
2 political party or political organization; or

3 (4) actively participate in any campaign for any
4 elective office.

5 A full-time Legislative Inspector General shall not engage
6 in the practice of law or any other business, employment, or
7 vocation.

8 In this subsection an appointed public office means a
9 position authorized by law that is filled by an appointing
10 authority as provided by law and does not include employment by
11 hiring in the ordinary course of business.

12 (e-1) No Legislative Inspector General or employee of the
13 Office of the Legislative Inspector General may, for one year
14 after the termination of his or her appointment or employment:

15 (1) become a candidate for any elective office;

16 (2) hold any elected public office; or

17 (3) hold any appointed State, county, or local judicial
18 office.

19 (e-2) The requirements of item (3) of subsection (e-1) may
20 be waived by the Legislative Ethics Commission.

21 (f) The Commission may remove the Legislative Inspector
22 General only for cause. At the time of the removal, the
23 Commission must report to the General Assembly the
24 justification for the removal.

25 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19;
26 revised 9-12-19.)

1 Section 45. The Seizure and Forfeiture Reporting Act is
2 amended by changing Section 5 as follows:

3 (5 ILCS 810/5)

4 Sec. 5. Applicability. This Act is applicable to property
5 seized or forfeited under the following provisions of law:

6 (1) Section 3.23 of the Illinois Food, Drug and
7 Cosmetic Act;

8 (2) Section 44.1 of the Environmental Protection Act;

9 (3) Section 105-55 of the Herptiles-Herps Act;

10 (4) Section 1-215 of the Fish and Aquatic Life Code;

11 (5) Section 1.25 of the Wildlife Code;

12 (6) Section 17-10.6 of the Criminal Code of 2012
13 (financial institution fraud);

14 (7) Section 28-5 of the Criminal Code of 2012
15 (gambling);

16 (8) Article 29B of the Criminal Code of 2012 (money
17 laundering);

18 (9) Article 33G of the Criminal Code of 2012 (Illinois
19 Street Gang and Racketeer Influenced And Corrupt
20 Organizations Law);

21 (10) Article 36 of the Criminal Code of 2012 (seizure
22 and forfeiture of vessels, vehicles, and aircraft);

23 (11) Section 47-15 of the Criminal Code of 2012
24 (dumping garbage upon real property);

- 1 (12) Article 124B of the Code of Criminal Procedure of
2 1963 procedure (forfeiture);
- 3 (13) the Drug Asset Forfeiture Procedure Act;
- 4 (14) the Narcotics Profit Forfeiture Act;
- 5 (15) the Illinois Streetgang Terrorism Omnibus
6 Prevention Act; and
- 7 (16) the Illinois Securities Law of 1953.
- 8 (Source: P.A. 100-512, eff. 7-1-18; revised 9-9-19.)

9 Section 50. The Gun Trafficking Information Act is amended
10 by changing Section 10-1 as follows:

11 (5 ILCS 830/10-1)

12 Sec. 10-1. Short title. This Article 10 ~~5~~ may be cited as
13 the Gun Trafficking Information Act. References in this Article
14 to "this Act" mean this Article.

15 (Source: P.A. 100-1178, eff. 1-18-19; revised 7-17-19.)

16 Section 55. The Election Code is amended by changing
17 Sections 1A-3, 1A-45, 2A-1.2, 6-50.2, 6A-3, and 9-15 as
18 follows:

19 (10 ILCS 5/1A-3) (from Ch. 46, par. 1A-3)

20 Sec. 1A-3. Subject to the confirmation requirements of
21 Section 1A-4, 4 members of the State Board of Elections shall
22 be appointed in each odd-numbered year as follows:

1 (1) The Governor shall appoint 2 members of the same
2 political party with which he is affiliated, one from each
3 area of required residence.

4 (2) The Governor shall appoint 2 members of the
5 political party whose candidate for Governor in the most
6 recent general election received the second highest number
7 of votes, one from each area of required residence, from a
8 list of nominees submitted by the first state executive
9 officer in the order indicated herein affiliated with such
10 political party: Attorney General, Secretary of State,
11 Comptroller, and Treasurer. If none of the State executive
12 officers listed herein is affiliated with such political
13 party, the nominating State officer shall be the first
14 State executive officer in the order indicated herein
15 affiliated with an established political party other than
16 that of the Governor.

17 (3) The nominating state officer shall submit in
18 writing to the Governor 3 names of qualified persons for
19 each membership on the State Board of Elections ~~Election~~ to
20 be appointed from the political party of that officer. The
21 Governor may reject any or all of the nominees on any such
22 list and may request an additional list. The second list
23 shall be submitted by the nominating officer and shall
24 contain 3 new names of qualified persons for each remaining
25 appointment, except that if the Governor expressly
26 reserves any nominee's name from the first list, that

1 nominee shall not be replaced on the second list. The
2 second list shall be final.

3 (4) Whenever all the state executive officers
4 designated in paragraph (2) are affiliated with the same
5 political party as that of the Governor, all 4 members of
6 the Board to be appointed that year, from both designated
7 political parties, shall be appointed by the Governor
8 without nominations.

9 (5) The Governor shall submit in writing to the
10 President of the Senate the name of each person appointed
11 to the State Board of Elections, and shall designate the
12 term for which the appointment is made and the name of the
13 member whom the appointee is to succeed.

14 (6) The appointments shall be made and submitted by the
15 Governor no later than April 1 and a nominating state
16 officer required to submit a list of nominees to the
17 Governor pursuant to paragraph (3) shall submit a list no
18 later than March 1. For appointments occurring in 2019, the
19 appointments shall be made and submitted by the Governor no
20 later than May 15.

21 (7) In the appointment of the initial members of the
22 Board pursuant to this amendatory Act of 1978, the
23 provisions of paragraphs (1), (2), (3), (5), and (6) of
24 this Section shall apply except that the Governor shall
25 appoint all 8 members, 2 from each of the designated
26 political parties from each area of required residence.

1 (Source: P.A. 101-5, eff. 5-15-19; revised 9-9-19.)

2 (10 ILCS 5/1A-45)

3 Sec. 1A-45. Electronic Registration Information Center.

4 (a) The State Board of Elections shall enter into an
5 agreement with the Electronic Registration Information Center
6 effective no later than January 1, 2016, for the purpose of
7 maintaining a statewide voter registration database. The State
8 Board of Elections shall comply with the requirements of the
9 Electronic Registration Information Center Membership
10 Agreement. The State Board of Elections shall require a term in
11 the Electronic Registration Information Center Membership
12 Agreement that requires the State to share identification
13 records contained in the Secretary of State's Driver Services
14 Department and Vehicle Services Department, the Department of
15 Human Services, the Department of Healthcare and Family
16 Services, the Department on ~~of~~ Aging, and the Department of
17 Employment Security databases (excluding those fields
18 unrelated to voter eligibility, such as income or health
19 information).

20 (b) The Secretary of State and the State Board of Elections
21 shall enter into an agreement to permit the Secretary of State
22 to provide the State Board of Elections with any information
23 required for compliance with the Electronic Registration
24 Information Center Membership Agreement. The Secretary of
25 State shall deliver this information as frequently as necessary

1 for the State Board of Elections to comply with the Electronic
2 Registration Information Center Membership Agreement.

3 (b-5) The State Board of Elections and the Department of
4 Human Services, the Department of Healthcare and Family
5 Services, the Department on Aging, and the Department of
6 Employment Security shall enter into an agreement to require
7 each department to provide the State Board of Elections with
8 any information necessary to transmit member data under the
9 Electronic Registration Information Center Membership
10 Agreement. The director or secretary, as applicable, of each
11 agency shall deliver this information on an annual basis to the
12 State Board of Elections pursuant to the agreement between the
13 entities.

14 (c) Any communication required to be delivered to a
15 registrant or potential registrant pursuant to the Electronic
16 Registration Information Center Membership Agreement shall
17 include at least the following message:

18 "Our records show people at this address may not be
19 registered to vote at this address, but you may be eligible
20 to register to vote or re-register to vote at this address.
21 If you are a U.S. Citizen, a resident of Illinois, and will
22 be 18 years old or older before the next general election
23 in November, you are qualified to vote.

24 We invite you to check your registration online at
25 (enter URL) or register to vote online at (enter URL), by
26 requesting a mail-in voter registration form by (enter

1 instructions for requesting a mail-in voter registration
2 form), or visiting the (name of election authority) office
3 at (address of election authority)."

4 The words "register to vote online at (enter URL)" shall be
5 bolded and of a distinct nature from the other words in the
6 message required by this subsection (c).

7 (d) Any communication required to be delivered to a
8 potential registrant that has been identified by the Electronic
9 Registration Information Center as eligible to vote but who is
10 not registered to vote in Illinois shall be prepared and
11 disseminated at the direction of the State Board of Elections.
12 All other communications with potential registrants or
13 re-registrants pursuant to the Electronic Registration
14 Information Center Membership Agreement shall be prepared and
15 disseminated at the direction of the appropriate election
16 authority.

17 (e) The Executive Director of the State Board of Elections
18 or his or her designee shall serve as the Member Representative
19 to the Electronic Registration Information Center.

20 (f) The State Board of Elections may adopt any rules
21 necessary to enforce this Section or comply with the Electronic
22 Registration Information Center Membership Agreement.

23 (Source: P.A. 98-1171, eff. 6-1-15; revised 7-17-19.)

24 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

25 Sec. 2A-1.2. Consolidated schedule of elections - offices

1 designated.

2 (a) At the general election in the appropriate
3 even-numbered years, the following offices shall be filled or
4 shall be on the ballot as otherwise required by this Code:

5 (1) Elector of President and Vice President of the
6 United States;

7 (2) United States Senator and United States
8 Representative;

9 (3) State Executive Branch elected officers;

10 (4) State Senator and State Representative;

11 (5) County elected officers, including State's
12 Attorney, County Board member, County Commissioners, and
13 elected President of the County Board or County Chief
14 Executive;

15 (6) Circuit Court Clerk;

16 (7) Regional Superintendent of Schools, except in
17 counties or educational service regions in which that
18 office has been abolished;

19 (8) Judges of the Supreme, Appellate and Circuit
20 Courts, on the question of retention, to fill vacancies and
21 newly created judicial offices;

22 (9) (Blank);

23 (10) Trustee of the Metropolitan Water Reclamation
24 ~~Sanitary~~ District of Greater Chicago, and elected Trustee
25 of other Sanitary Districts;

26 (11) Special District elected officers, not otherwise

1 designated in this Section, where the statute creating or
2 authorizing the creation of the district requires an annual
3 election and permits or requires election of candidates of
4 political parties.

5 (b) At the general primary election:

6 (1) in each even-numbered year candidates of political
7 parties shall be nominated for those offices to be filled
8 at the general election in that year, except where pursuant
9 to law nomination of candidates of political parties is
10 made by caucus.

11 (2) in the appropriate even-numbered years the
12 political party offices of State central committeeperson,
13 township committeeperson, ward committeeperson, and
14 precinct committeeperson shall be filled and delegates and
15 alternate delegates to the National nominating conventions
16 shall be elected as may be required pursuant to this Code.
17 In the even-numbered years in which a Presidential election
18 is to be held, candidates in the Presidential preference
19 primary shall also be on the ballot.

20 (3) in each even-numbered year, where the municipality
21 has provided for annual elections to elect municipal
22 officers pursuant to Section 6(f) or Section 7 of Article
23 VII of the Constitution, pursuant to the Illinois Municipal
24 Code or pursuant to the municipal charter, the offices of
25 such municipal officers shall be filled at an election held
26 on the date of the general primary election, provided that

1 the municipal election shall be a nonpartisan election
2 where required by the Illinois Municipal Code. For partisan
3 municipal elections in even-numbered years, a primary to
4 nominate candidates for municipal office to be elected at
5 the general primary election shall be held on the Tuesday 6
6 weeks preceding that election.

7 (4) in each school district which has adopted the
8 provisions of Article 33 of the School Code, successors to
9 the members of the board of education whose terms expire in
10 the year in which the general primary is held shall be
11 elected.

12 (c) At the consolidated election in the appropriate
13 odd-numbered years, the following offices shall be filled:

14 (1) Municipal officers, provided that in
15 municipalities in which candidates for alderman or other
16 municipal office are not permitted by law to be candidates
17 of political parties, the runoff election where required by
18 law, or the nonpartisan election where required by law,
19 shall be held on the date of the consolidated election; and
20 provided further, in the case of municipal officers
21 provided for by an ordinance providing the form of
22 government of the municipality pursuant to Section 7 of
23 Article VII of the Constitution, such offices shall be
24 filled by election or by runoff election as may be provided
25 by such ordinance;

26 (2) Village and incorporated town library directors;

- 1 (3) City boards of stadium commissioners;
- 2 (4) Commissioners of park districts;
- 3 (5) Trustees of public library districts;
- 4 (6) Special District elected officers, not otherwise
5 designated in this Section, where the statute creating or
6 authorizing the creation of the district permits or
7 requires election of candidates of political parties;
- 8 (7) Township officers, including township park
9 commissioners, township library directors, and boards of
10 managers of community buildings, and Multi-Township
11 Assessors;
- 12 (8) Highway commissioners and road district clerks;
- 13 (9) Members of school boards in school districts which
14 adopt Article 33 of the School Code;
- 15 (10) The directors and chair of the Chain O Lakes - Fox
16 River Waterway Management Agency;
- 17 (11) Forest preserve district commissioners elected
18 under Section 3.5 of the Downstate Forest Preserve District
19 Act;
- 20 (12) Elected members of school boards, school
21 trustees, directors of boards of school directors,
22 trustees of county boards of school trustees (except in
23 counties or educational service regions having a
24 population of 2,000,000 or more inhabitants) and members of
25 boards of school inspectors, except school boards in school
26 districts that adopt Article 33 of the School Code;

- 1 (13) Members of Community College district boards;
- 2 (14) Trustees of Fire Protection Districts;
- 3 (15) Commissioners of the Springfield Metropolitan
4 Exposition and Auditorium Authority;
- 5 (16) Elected Trustees of Tuberculosis Sanitarium
6 Districts;
- 7 (17) Elected Officers of special districts not
8 otherwise designated in this Section for which the law
9 governing those districts does not permit candidates of
10 political parties.

11 (d) At the consolidated primary election in each
12 odd-numbered year, candidates of political parties shall be
13 nominated for those offices to be filled at the consolidated
14 election in that year, except where pursuant to law nomination
15 of candidates of political parties is made by caucus, and
16 except those offices listed in paragraphs (12) through (17) of
17 subsection (c).

18 At the consolidated primary election in the appropriate
19 odd-numbered years, the mayor, clerk, treasurer, and aldermen
20 shall be elected in municipalities in which candidates for
21 mayor, clerk, treasurer, or alderman are not permitted by law
22 to be candidates of political parties, subject to runoff
23 elections to be held at the consolidated election as may be
24 required by law, and municipal officers shall be nominated in a
25 nonpartisan election in municipalities in which pursuant to law
26 candidates for such office are not permitted to be candidates

1 of political parties.

2 At the consolidated primary election in the appropriate
3 odd-numbered years, municipal officers shall be nominated or
4 elected, or elected subject to a runoff, as may be provided by
5 an ordinance providing a form of government of the municipality
6 pursuant to Section 7 of Article VII of the Constitution.

7 (e) (Blank).

8 (f) At any election established in Section 2A-1.1, public
9 questions may be submitted to voters pursuant to this Code and
10 any special election otherwise required or authorized by law or
11 by court order may be conducted pursuant to this Code.

12 Notwithstanding the regular dates for election of officers
13 established in this Article, whenever a referendum is held for
14 the establishment of a political subdivision whose officers are
15 to be elected, the initial officers shall be elected at the
16 election at which such referendum is held if otherwise so
17 provided by law. In such cases, the election of the initial
18 officers shall be subject to the referendum.

19 Notwithstanding the regular dates for election of
20 officials established in this Article, any community college
21 district which becomes effective by operation of law pursuant
22 to Section 6-6.1 of the Public Community College Act, as now or
23 hereafter amended, shall elect the initial district board
24 members at the next regularly scheduled election following the
25 effective date of the new district.

26 (g) At any election established in Section 2A-1.1, if in

1 any precinct there are no offices or public questions required
2 to be on the ballot under this Code then no election shall be
3 held in the precinct on that date.

4 (h) There may be conducted a referendum in accordance with
5 the provisions of Division 6-4 of the Counties Code.

6 (Source: P.A. 100-1027, eff. 1-1-19; revised 8-23-19.)

7 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

8 Sec. 6-50.2. (a) The board of election commissioners shall
9 appoint all precinct committeepersons in the election
10 jurisdiction as deputy registrars who may accept the
11 registration of any qualified resident of the State, except
12 during the 27 days preceding an election.

13 The board of election commissioners shall appoint each of
14 the following named persons as deputy registrars upon the
15 written request of such persons:

16 1. The chief librarian, or a qualified person
17 designated by the chief librarian, of any public library
18 situated within the election jurisdiction, who may accept
19 the registrations of any qualified resident of the State,
20 at such library.

21 2. The principal, or a qualified person designated by
22 the principal, of any high school, elementary school, or
23 vocational school situated within the election
24 jurisdiction, who may accept the registrations of any
25 resident of the State, at such school. The board of

1 election commissioners shall notify every principal and
2 vice-principal of each high school, elementary school, and
3 vocational school situated in the election jurisdiction of
4 their eligibility to serve as deputy registrars and offer
5 training courses for service as deputy registrars at
6 conveniently located facilities at least 4 months prior to
7 every election.

8 3. The president, or a qualified person designated by
9 the president, of any university, college, community
10 college, academy, or other institution of learning
11 situated within the State, who may accept the registrations
12 of any resident of the election jurisdiction, at such
13 university, college, community college, academy, or
14 institution.

15 4. A duly elected or appointed official of a bona fide
16 labor organization, or a reasonable number of qualified
17 members designated by such official, who may accept the
18 registrations of any qualified resident of the State.

19 5. A duly elected or appointed official of a bona fide
20 State civic organization, as defined and determined by rule
21 of the State Board of Elections, or qualified members
22 designated by such official, who may accept the
23 registration of any qualified resident of the State. In
24 determining the number of deputy registrars that shall be
25 appointed, the board of election commissioners shall
26 consider the population of the jurisdiction, the size of

1 the organization, the geographic size of the jurisdiction,
2 convenience for the public, the existing number of deputy
3 registrars in the jurisdiction and their location, the
4 registration activities of the organization and the need to
5 appoint deputy registrars to assist and facilitate the
6 registration of non-English speaking individuals. In no
7 event shall a board of election commissioners fix an
8 arbitrary number applicable to every civic organization
9 requesting appointment of its members as deputy
10 registrars. The State Board of Elections shall by rule
11 provide for certification of bona fide State civic
12 organizations. Such appointments shall be made for a period
13 not to exceed 2 years, terminating on the first business
14 day of the month following the month of the general
15 election, and shall be valid for all periods of voter
16 registration as provided by this Code during the terms of
17 such appointments.

18 6. The Director of Healthcare and Family Services, or a
19 reasonable number of employees designated by the Director
20 and located at public aid offices, who may accept the
21 registration of any qualified resident of the election
22 jurisdiction at any such public aid office.

23 7. The Director of the Illinois Department of
24 Employment Security, or a reasonable number of employees
25 designated by the Director and located at unemployment
26 offices, who may accept the registration of any qualified

1 resident of the election jurisdiction at any such
2 unemployment office. If the request to be appointed as
3 deputy registrar is denied, the board of election
4 commissioners shall, within 10 days after the date the
5 request is submitted, provide the affected individual or
6 organization with written notice setting forth the
7 specific reasons or criteria relied upon to deny the
8 request to be appointed as deputy registrar.

9 8. The president of any corporation, as defined by the
10 Business Corporation Act of 1983, or a reasonable number of
11 employees designated by such president, who may accept the
12 registrations of any qualified resident of the State.

13 The board of election commissioners may appoint as many
14 additional deputy registrars as it considers necessary. The
15 board of election commissioners shall appoint such additional
16 deputy registrars in such manner that the convenience of the
17 public is served, giving due consideration to both population
18 concentration and area. Some of the additional deputy
19 registrars shall be selected so that there are an equal number
20 from each of the 2 major political parties in the election
21 jurisdiction. The board of election commissioners, in
22 appointing an additional deputy registrar, shall make the
23 appointment from a list of applicants submitted by the Chair of
24 the County Central Committee of the applicant's political
25 party. A Chair of a County Central Committee shall submit a
26 list of applicants to the board by November 30 of each year.

1 The board may require a Chair of a County Central Committee to
2 furnish a supplemental list of applicants.

3 Deputy registrars may accept registrations at any time
4 other than the 27-day ~~27-day~~ period preceding an election. All
5 persons appointed as deputy registrars shall be registered
6 voters within the election jurisdiction and shall take and
7 subscribe to the following oath or affirmation:

8 "I do solemnly swear (or affirm, as the case may be) that I
9 will support the Constitution of the United States, and the
10 Constitution of the State of Illinois, and that I will
11 faithfully discharge the duties of the office of registration
12 officer to the best of my ability and that I will register no
13 person nor cause the registration of any person except upon his
14 personal application before me.

15
16 (Signature of Registration Officer)"

17 This oath shall be administered and certified to by one of
18 the commissioners or by the executive director or by some
19 person designated by the board of election commissioners, and
20 shall immediately thereafter be filed with the board of
21 election commissioners. The members of the board of election
22 commissioners and all persons authorized by them under the
23 provisions of this Article to take registrations, after
24 themselves taking and subscribing to the above oath, are
25 authorized to take or administer such oaths and execute such
26 affidavits as are required by this Article.

1 Appointments of deputy registrars under this Section,
2 except precinct committeepersons, shall be for 2-year terms,
3 commencing on December 1 following the general election of each
4 even-numbered year, except that the terms of the initial
5 appointments shall be until December 1st following the next
6 general election. Appointments of precinct committeepersons
7 shall be for 2-year terms commencing on the date of the county
8 convention following the general primary at which they were
9 elected. The county clerk shall issue a certificate of
10 appointment to each deputy registrar, and shall maintain in his
11 office for public inspection a list of the names of all
12 appointees.

13 (b) The board of election commissioners shall be
14 responsible for training all deputy registrars appointed
15 pursuant to subsection (a), at times and locations reasonably
16 convenient for both the board of election commissioners and
17 such appointees. The board of election commissioners shall be
18 responsible for certifying and supervising all deputy
19 registrars appointed pursuant to subsection (a). Deputy
20 registrars appointed under subsection (a) shall be subject to
21 removal for cause.

22 (c) Completed registration materials under the control of
23 deputy registrars appointed pursuant to subsection (a) shall be
24 returned to the appointing election authority by first-class
25 mail within 2 business days or personal delivery within 7 days,
26 except that completed registration materials received by the

1 deputy registrars during the period between the 35th and 28th
2 day preceding an election shall be returned by the deputy
3 registrars to the appointing election authority within 48 hours
4 after receipt thereof. The completed registration materials
5 received by the deputy registrars on the 28th day preceding an
6 election shall be returned by the deputy registrars within 24
7 hours after receipt thereof. Unused materials shall be returned
8 by deputy registrars appointed pursuant to paragraph 4 of
9 subsection (a), not later than the next working day following
10 the close of registration.

11 (d) The county clerk or board of election commissioners, as
12 the case may be, must provide any additional forms requested by
13 any deputy registrar regardless of the number of unaccounted
14 registration forms the deputy registrar may have in his or her
15 possession.

16 (e) No deputy registrar shall engage in any electioneering
17 or the promotion of any cause during the performance of his or
18 her duties.

19 (f) The board of election commissioners shall not be
20 criminally or civilly liable for the acts or omissions of any
21 deputy registrar. Such deputy registrars shall not be deemed to
22 be employees of the board of election commissioners.

23 (g) Completed registration materials returned by deputy
24 registrars for persons residing outside the election
25 jurisdiction shall be transmitted by the board of election
26 commissioners within 2 days after receipt to the election

1 authority of the person's election jurisdiction of residence.

2 (Source: P.A. 100-1027, eff. 1-1-19; revised 8-23-19.)

3 (10 ILCS 5/6A-3) (from Ch. 46, par. 6A-3)

4 Sec. 6A-3. Commissioners; filling vacancies.

5 (a) If the county board adopts an ordinance providing for
6 the establishment of a county board of election commissioners,
7 or if a majority of the votes cast on a proposition submitted
8 in accordance with Section 6A-2(a) are in favor of a county
9 board of election commissioners, a county board of election
10 commissioners shall be appointed in the same manner as is
11 provided in Article 6 for boards of election commissioners in
12 cities, villages and incorporated towns, except that the county
13 board of election commissioners shall be appointed by the chair
14 of the county board rather than the circuit court. However,
15 before any appointments are made, the appointing authority
16 shall ascertain whether the county clerk desires to be a member
17 of the county board of election commissioners. If the county
18 clerk so desires, he shall be one of the members of the county
19 board of election commissioners, and the appointing authority
20 shall appoint only 2 other members.

21 (b) For any county board of election commissioners
22 established under subsection (b) of Section 6A-1, within 30
23 days after July 29, 2013 (the effective date of Public Act
24 98-115) ~~this amendatory Act of the 98th General Assembly~~, the
25 chief judge of the circuit court of the county shall appoint 5

1 commissioners. At least 4 of those commissioners shall be
2 selected from the 2 major established political parties of the
3 State, with at least 2 from each of those parties. Such
4 appointment shall be entered of record in the office of the
5 County Clerk and the State Board of Elections. Those first
6 appointed shall hold their offices for the period of one, 2,
7 and 3 years respectively, and the judge appointing them shall
8 designate the term for which each commissioner shall hold his
9 or her office, whether for one, 2 or 3 years except that no
10 more than one commissioner from each major established
11 political party may be designated the same term. After the
12 initial term, each commissioner or his or her successor shall
13 be appointed to a 3-year ~~3-year~~ term. No elected official or
14 former elected official who has been out of elected office for
15 less than 2 years may be appointed to the board. Vacancies
16 shall be filled by the chief judge of the circuit court within
17 30 days of the vacancy in a manner that maintains the foregoing
18 political party representation.

19 (c) For any county board of election commissioners
20 established under subsection (c) of Section 6A-1, within 30
21 days after the conclusion of the election at which the
22 proposition to establish a county board of election
23 commissioners is approved by the voters, the municipal board
24 shall apply to the circuit court of the county for the chief
25 judge of the circuit court to appoint 2 additional
26 commissioners, one of whom shall be from each major established

1 political party and neither of whom shall reside within the
2 limits of the municipal board, so that 3 commissioners shall
3 reside within the limits of the municipal board and 2 shall
4 reside within the county but not within the municipality, as it
5 may exist from time to time. Not more than 3 of the
6 commissioners shall be members of the same major established
7 political party. Vacancies shall be filled by the chief judge
8 of the circuit court upon application of the remaining
9 commissioners in a manner that maintains the foregoing
10 geographical and political party representation.

11 (Source: P.A. 100-1027, eff. 1-1-19; revised 8-23-19.)

12 (10 ILCS 5/9-15) (from Ch. 46, par. 9-15)

13 Sec. 9-15. It shall be the duty of the Board:-

14 (1) to develop prescribed forms for filing statements
15 of organization and required reports;

16 (2) to prepare, publish, and furnish to the appropriate
17 persons a manual of instructions setting forth recommended
18 uniform methods of bookkeeping and reporting under this
19 Article;

20 (3) to prescribe suitable rules and regulations to
21 carry out the provisions of this Article. Such rules and
22 regulations shall be published and made available to the
23 public;

24 (4) to send by first class mail, after the general
25 primary election in even numbered years, to the chair of

1 each regularly constituted State central committee, county
2 central committee and, in counties with a population of
3 more than 3,000,000, to the committeepersons of each
4 township and ward organization of each political party
5 notice of their obligations under this Article, along with
6 a form for filing the statement of organization;

7 (5) to promptly make all reports and statements filed
8 under this Article available for public inspection and
9 copying no later than 2 business days after their receipt
10 and to permit copying of any such report or statement at
11 the expense of the person requesting the copy;

12 (6) to develop a filing, coding, and cross-indexing
13 system consistent with the purposes of this Article;

14 (7) to compile and maintain a list of all statements or
15 parts of statements pertaining to each candidate;

16 (8) to prepare and publish such reports as the Board
17 may deem appropriate;

18 (9) to annually notify each political committee that
19 has filed a statement of organization with the Board of the
20 filing dates for each quarterly report, provided that such
21 notification shall be made by first-class mail unless the
22 political committee opts to receive notification
23 electronically via email; and

24 (10) to promptly send, by first class mail directed
25 only to the officers of a political committee, and by
26 certified mail to the address of the political committee,

1 written notice of any fine or penalty assessed or imposed
2 against the political committee under this Article.

3 (Source: P.A. 100-1027, eff. 1-1-19; revised 8-23-19.)

4 Section 60. The Illinois Identification Card Act is amended
5 by changing Sections 5 and 17 as follows:

6 (15 ILCS 335/5) (from Ch. 124, par. 25)

7 Sec. 5. Applications.

8 (a) Any natural person who is a resident of the State of
9 Illinois may file an application for an identification card, or
10 for the renewal thereof, in a manner prescribed by the
11 Secretary. Each original application shall be completed by the
12 applicant in full and shall set forth the legal name, residence
13 address and zip code, social security number, birth date, sex
14 and a brief description of the applicant. The applicant shall
15 be photographed, unless the Secretary of State has provided by
16 rule for the issuance of identification cards without
17 photographs and the applicant is deemed eligible for an
18 identification card without a photograph under the terms and
19 conditions imposed by the Secretary of State, and he or she
20 shall also submit any other information as the Secretary may
21 deem necessary or such documentation as the Secretary may
22 require to determine the identity of the applicant. In addition
23 to the residence address, the Secretary may allow the applicant
24 to provide a mailing address. If the applicant is a judicial

1 officer as defined in Section 1-10 of the Judicial Privacy Act
2 or a peace officer, the applicant may elect to have his or her
3 office or work address in lieu of the applicant's residence or
4 mailing address. An applicant for an Illinois Person with a
5 Disability Identification Card must also submit with each
6 original or renewal application, on forms prescribed by the
7 Secretary, such documentation as the Secretary may require,
8 establishing that the applicant is a "person with a disability"
9 as defined in Section 4A of this Act, and setting forth the
10 applicant's type and class of disability as set forth in
11 Section 4A of this Act. For the purposes of this subsection
12 (a), "peace officer" means any person who by virtue of his or
13 her office or public employment is vested by law with a duty to
14 maintain public order or to make arrests for a violation of any
15 penal statute of this State, whether that duty extends to all
16 violations or is limited to specific violations.

17 (a-5) Upon the first issuance of a request for proposals
18 for a digital driver's license and identification card issuance
19 and facial recognition system issued after January 1, 2020 (the
20 effective date of Public Act 101-513) ~~this amendatory Act of~~
21 ~~the 101st General Assembly~~, and upon implementation of a new or
22 revised system procured pursuant to that request for proposals,
23 the Secretary shall permit applicants to choose between "male",
24 "female", or "non-binary" when designating the applicant's sex
25 on the identification card application form. The sex designated
26 by the applicant shall be displayed on the identification card

1 issued to the applicant.

2 (b) Beginning on or before July 1, 2015, for each original
3 or renewal identification card application under this Act, the
4 Secretary shall inquire as to whether the applicant is a
5 veteran for purposes of issuing an identification card with a
6 veteran designation under subsection (c-5) of Section 4 of this
7 Act. The acceptable forms of proof shall include, but are not
8 limited to, Department of Defense form DD-214, Department of
9 Defense form DD-256 for applicants who did not receive a form
10 DD-214 upon the completion of initial basic training,
11 Department of Defense form DD-2 (Retired), an identification
12 card issued under the federal Veterans Identification Card Act
13 of 2015, or a United States Department of Veterans Affairs
14 summary of benefits letter. If the document cannot be stamped,
15 the Illinois Department of Veterans' Affairs shall provide a
16 certificate to the veteran to provide to the Secretary of
17 State. The Illinois Department of Veterans' Affairs shall
18 advise the Secretary as to what other forms of proof of a
19 person's status as a veteran are acceptable.

20 For each applicant who is issued an identification card
21 with a veteran designation, the Secretary shall provide the
22 Department of Veterans' Affairs with the applicant's name,
23 address, date of birth, gender, and such other demographic
24 information as agreed to by the Secretary and the Department.
25 The Department may take steps necessary to confirm the
26 applicant is a veteran. If after due diligence, including

1 writing to the applicant at the address provided by the
2 Secretary, the Department is unable to verify the applicant's
3 veteran status, the Department shall inform the Secretary, who
4 shall notify the applicant that he or she must confirm status
5 as a veteran, or the identification card will be cancelled.

6 For purposes of this subsection (b):

7 "Armed forces" means any of the Armed Forces of the United
8 States, including a member of any reserve component or National
9 Guard unit.

10 "Veteran" means a person who has served in the armed forces
11 and was discharged or separated under honorable conditions.

12 (c) All applicants for REAL ID compliant standard Illinois
13 Identification Cards and Illinois Person with a Disability
14 Identification Cards shall provide proof of lawful status in
15 the United States as defined in 6 CFR 37.3, as amended.
16 Applicants who are unable to provide the Secretary with proof
17 of lawful status are ineligible for REAL ID compliant
18 identification cards under this Act.

19 (Source: P.A. 100-201, eff. 8-18-17; 100-248, eff. 8-22-17;
20 100-811, eff. 1-1-19; 101-106, eff. 1-1-20; 101-287, eff.
21 8-9-19; 101-513, eff. 1-1-20; revised 9-25-19.)

22 (15 ILCS 335/17)

23 Sec. 17. Invalidation of a standard Illinois
24 Identification Card or an Illinois Person with a Disability
25 Identification Card. ~~(a)~~ The Secretary of State may invalidate

1 a standard Illinois Identification Card or an Illinois Person
2 with a Disability Identification Card:

3 (1) when the holder voluntarily surrenders the
4 standard Illinois Identification Card or Illinois Person
5 with a Disability Identification Card and declares his or
6 her intention to do so in writing;

7 (2) upon the death of the holder;

8 (3) upon the refusal of the holder to correct or update
9 information contained on a standard Illinois
10 Identification Card or an Illinois Person with a Disability
11 Identification Card; and

12 (4) as the Secretary deems appropriate by
13 administrative rule.

14 (Source: P.A. 101-185, eff. 1-1-20; revised 9-12-19.)

15 Section 65. The State Comptroller Act is amended by
16 changing Sections 20 and 23.11 as follows:

17 (15 ILCS 405/20) (from Ch. 15, par. 220)

18 Sec. 20. Annual report. The Comptroller shall annually, as
19 soon as possible after the close of the fiscal year but no
20 later than December 31, make available on the Comptroller's
21 website a report, showing the amount of warrants drawn on the
22 treasury, on other funds held by the State Treasurer and on any
23 public funds held by State agencies, during the preceding
24 fiscal year, and stating, particularly, on what account they

1 were drawn, and if drawn on the contingent fund, to whom and
2 for what they were issued. He or she shall, also, at the same
3 time, report the amount of money received into the treasury,
4 into other funds held by the State Treasurer and into any other
5 funds held by State agencies during the preceding fiscal year,
6 and also a general account of all the business of his office
7 during the preceding fiscal year. The report shall also
8 summarize for the previous fiscal year the information required
9 under Section 19.

10 Within 60 days after the expiration of each calendar year,
11 the Comptroller shall compile, from records maintained and
12 available in his office, a list of all persons including those
13 employed in the Office of the Comptroller, who have been
14 employed by the State during the past calendar year and paid
15 from funds in the hands of the State Treasurer.

16 The list shall state in alphabetical order the name of each
17 employee, the county in which he or she resides, the position,
18 and the total salary paid to him or her during the past
19 calendar year, rounded to the nearest hundred dollars ~~dollar~~.
20 The list so compiled and arranged shall be kept on file in the
21 office of the Comptroller and be open to inspection by the
22 public at all times.

23 No person who utilizes the names obtained from this list
24 for solicitation shall represent that such solicitation is
25 authorized by any officer or agency of the State of Illinois.
26 Violation of this provision is a business offense punishable by

1 a fine not to exceed \$3,000.

2 (Source: P.A. 100-253, eff. 1-1-18; 101-34, eff. 6-28-19;
3 101-620, eff. 12-20-19; revised 1-6-20.)

4 (15 ILCS 405/23.11)

5 Sec. 23.11. Illinois Bank On Initiative; Commission.

6 (a) The Illinois Bank On Initiative is created to increase
7 the use of Certified Financial Products and reduce reliance on
8 alternative financial products.

9 (b) The Illinois Bank On Initiative shall be administered
10 by the Comptroller, and he or she shall be responsible for
11 ongoing activities of the Initiative, including, but not
12 limited to, the following:

13 (1) authorizing financial products as Certified
14 Financial Products;

15 (2) maintaining on the Comptroller's website a list of
16 Certified Financial Products and associated financial
17 institutions;

18 (3) maintaining on the Comptroller's website the
19 minimum requirements of Certified Financial Products; and

20 (4) implementing an outreach strategy to facilitate
21 access to Certified Financial Products.

22 (c) The Illinois Bank On Initiative Commission is created,
23 and shall be chaired by the Comptroller, or his or her
24 designee, and consist of the following members appointed by the
25 Comptroller: (1) 4 local elected officials from geographically

1 diverse regions in this State, at least 2 of whom represent all
2 or part of a census tract with a median household income of
3 less than 150% of the federal poverty level; (2) 3 members
4 representing financial institutions, one of whom represents a
5 statewide banking association exclusively representing banks
6 with assets below \$20,000,000,000, one of whom represents a
7 statewide banking association representing banks of all asset
8 sizes, and one of whom represents a statewide association
9 representing credit unions; (3) 4 members representing
10 community and social service groups; and (4) 2 federal or State
11 financial regulators.

12 Members of the Commission shall serve 4-year ~~4-year~~ terms.
13 The Commission shall serve the Comptroller in an advisory
14 capacity, and shall be responsible for advising the Comptroller
15 regarding the implementation and promotion of the Illinois Bank
16 On Initiative, but may at any time, by request of the
17 Comptroller or on its own initiative, submit to the Comptroller
18 any recommendations concerning the operation of any
19 participating financial institutions, outreach efforts, or
20 other business coming before the Commission. Members of the
21 Commission shall serve without compensation, but shall be
22 reimbursed for reasonable travel and mileage costs.

23 (d) Beginning in October 2020, and for each year
24 thereafter, the Comptroller and the Commission shall annually
25 prepare and make available on the Comptroller's website a
26 report concerning the progress of the Illinois Bank On

1 Initiative.

2 (e) The Comptroller may adopt rules necessary to implement
3 this Section.

4 (f) For the purposes of this Section:

5 "Certified Financial Product" means a financial product
6 offered by a financial institution that meets minimum
7 requirements as established by the Comptroller.

8 "Financial institution" means a bank, savings bank, or
9 credit union chartered or organized under the laws of the State
10 of Illinois, another state, or the United States of America
11 that is:

12 (1) adequately capitalized as determined by its
13 prudential regulator; and

14 (2) insured by the Federal Deposit Insurance
15 Corporation, National Credit Union Administration, or
16 other approved insurer.

17 (Source: P.A. 101-427, eff. 8-19-19; revised 11-21-19.)

18 Section 70. The State Treasurer Act is amended by changing
19 Sections 16.8 and 35 as follows:

20 (15 ILCS 505/16.8)

21 Sec. 16.8. Illinois Higher Education Savings Program.

22 (a) Definitions. As used in this Section:

23 "Beneficiary" means an eligible child named as a recipient
24 of seed funds.

1 "College savings account" means a 529 plan account
2 established under Section 16.5.

3 "Eligible child" means a child born or adopted after
4 December 31, 2020, to a parent who is a resident of Illinois at
5 the time of the birth or adoption, as evidenced by
6 documentation received by the Treasurer from the Department of
7 Revenue, the Department of Public Health, or another State or
8 local government agency.

9 "Eligible educational institution" means institutions that
10 are described in Section 1001 of the federal Higher Education
11 Act of 1965 that are eligible to participate in Department of
12 Education student aid programs.

13 "Fund" means the Illinois Higher Education Savings Program
14 Fund.

15 "Omnibus account" means the pooled collection of seed funds
16 owned and managed by the State Treasurer under this Act.

17 "Program" means the Illinois Higher Education Savings
18 Program.

19 "Qualified higher education expense" means the following:
20 (i) tuition, fees, and the costs of books, supplies, and
21 equipment required for enrollment or attendance at an eligible
22 educational institution; (ii) expenses for special needs
23 services, in the case of a special needs beneficiary, which are
24 incurred in connection with such enrollment or attendance;
25 (iii) certain expenses for the purchase of computer or
26 peripheral equipment, computer software, or Internet access

1 and related services as defined under Section 529 of the
2 Internal Revenue Code; and (iv) room and board expenses
3 incurred while attending an eligible educational institution
4 at least half-time.

5 "Seed funds" means the deposit made by the State Treasurer
6 into the Omnibus Accounts for Program beneficiaries.

7 (b) Program established. The State Treasurer shall
8 establish the Illinois Higher Education Savings Program
9 provided that sufficient funds are available. The State
10 Treasurer shall administer the Program for the purposes of
11 expanding access to higher education through savings.

12 (c) Program enrollment. The State Treasurer shall enroll
13 all eligible children in the Program beginning in 2021, after
14 receiving records of recent births, adoptions, or dependents
15 from the Department of Revenue, the Department of Public
16 Health, or another State or local government agency designated
17 by the Treasurer. Notwithstanding any court order which would
18 otherwise prevent the release of information, the Department of
19 Public Health is authorized to release the information
20 specified under this subsection (c) to the State Treasurer for
21 the purposes of the Program established under this Section.

22 (1) On and after the effective date of this amendatory
23 Act of the 101st General Assembly, the Department of
24 Revenue and the Department of Public Health shall provide
25 the State Treasurer with information on recent Illinois
26 births, adoptions and dependents including, but not

1 limited to: the full name, residential address, and birth
2 date of the child and the child's parent or legal guardian
3 for the purpose of enrolling eligible children in the
4 Program. This data shall be provided to the State Treasurer
5 by the Department of Revenue and the Department of Public
6 Health on a quarterly basis, no later than 30 days after
7 the end of each quarter.

8 (2) The State Treasurer shall ensure the security and
9 confidentiality of the information provided by the
10 Department of Revenue, the Department of Public Health, or
11 another State or local government agency, and it shall not
12 be subject to release under the Freedom of Information Act.

13 (3) Information provided under this Section shall only
14 be used by the State Treasurer for the Program and shall
15 not be used for any other purpose.

16 (4) The State Treasurer and any vendors working on the
17 Program shall maintain strict confidentiality of any
18 information provided under this Section, and shall
19 promptly provide written or electronic notice to the
20 providing agency of any security breach. The providing
21 State or local government agency shall remain the sole and
22 exclusive owner of information provided under this
23 Section.

24 (d) Seed funds. After receiving information on recent
25 births, adoptions, or dependents from the Department of
26 Revenue, the Department of Public Health, or another State or

1 local government agency, the State Treasurer shall make a
2 deposit into an omnibus account of the Fund on behalf of each
3 eligible child. The State Treasurer shall be the owner of the
4 omnibus accounts. The deposit of seed funds shall be subject to
5 appropriation by the General Assembly.

6 (1) Deposit amount. The seed fund deposit for each
7 eligible child shall be in the amount of \$50. This amount
8 may be increased by the State Treasurer by rule. The State
9 Treasurer may use or deposit funds appropriated by the
10 General Assembly together with moneys received as gifts,
11 grants, or contributions into the Fund. If insufficient
12 funds are available in the Fund, the State Treasurer may
13 reduce the deposit amount or forego deposits.

14 (2) Use of seed funds. Seed funds, including any
15 interest, dividends, and other earnings accrued, will be
16 eligible for use by a beneficiary for qualified higher
17 education expenses if:

18 (A) the parent or guardian of the eligible child
19 claimed the seed funds for the beneficiary by the
20 beneficiary's 10th birthday;

21 (B) the beneficiary has completed secondary
22 education or has reached the age of 18; and

23 (C) the beneficiary is currently a resident of the
24 State of Illinois. Non-residents are not eligible to
25 claim or use seed funds.

26 (3) Notice of seed fund availability. The State

1 Treasurer shall make a good faith effort to notify
2 beneficiaries and their parents or legal guardians of the
3 seed funds' availability and the deadline to claim such
4 funds.

5 (4) Unclaimed seed funds. Seed funds that are unclaimed
6 by the beneficiary's 10th birthday or unused by the
7 beneficiary's 26th birthday will be considered forfeited.
8 Unclaimed and unused seed funds will remain in the omnibus
9 account for future beneficiaries.

10 (e) Financial education. The State Treasurer may develop
11 educational materials that support the financial literacy of
12 beneficiaries and their legal guardians, and may do so in
13 collaboration with State and federal agencies, including, but
14 not limited to, the Illinois State Board of Education and
15 existing nonprofit agencies with expertise in financial
16 literacy and education.

17 (f) Incentives and partnerships. The State Treasurer may
18 develop partnerships with private, nonprofit, or governmental
19 organizations to provide additional incentives for eligible
20 children, including conditional cash transfers or matching
21 contributions that provide a savings incentive based on
22 specific actions taken or other criteria.

23 (g) Illinois Higher Education Savings Program Fund. The
24 Illinois Higher Education Savings Program Fund is hereby
25 established. The Fund shall be the official repository of all
26 contributions, appropriations, interest, and dividend

1 payments, gifts, or other financial assets received by the
2 State Treasurer in connection with the operation of the Program
3 or related partnerships. All such moneys shall be deposited in
4 the Fund and held by the State Treasurer as custodian thereof,
5 outside of the State treasury, separate and apart from all
6 public moneys or funds of this State. The State Treasurer may
7 accept gifts, grants, awards, matching contributions, interest
8 income, and appropriations from individuals, businesses,
9 governments, and other third-party sources to implement the
10 Program on terms that the Treasurer deems advisable. All
11 interest or other earnings accruing or received on amounts in
12 the Illinois Higher Education Savings Program Fund shall be
13 credited to and retained by the Fund and used for the benefit
14 of the Program. Assets of the Fund must at all times be
15 preserved, invested, and expended only for the purposes of the
16 Program and must be held for the benefit of the beneficiaries.
17 Assets may not be transferred or used by the State or the State
18 Treasurer for any purposes other than the purposes of the
19 Program. In addition, no moneys, interest, or other earnings
20 paid into the Fund shall be used, temporarily or otherwise, for
21 inter-fund borrowing or be otherwise used or appropriated
22 except as expressly authorized by this Act. Notwithstanding the
23 requirements of this subsection (f), amounts in the Fund may be
24 used by the State Treasurer to pay the administrative costs of
25 the Program.

26 (h) Audits and reports. The State Treasurer shall include

1 the Illinois Higher Education Savings Program as part of the
2 audit of the College Savings Pool described in Section 16.5.
3 The State Treasurer shall annually prepare a report that
4 includes a summary of the Program operations for the preceding
5 fiscal year, including the number of children enrolled in the
6 Program, the total amount of seed fund deposits, and such other
7 information that is relevant to make a full disclosure of the
8 operations of the Program and Fund. The report shall be made
9 available on the Treasurer's website by January 31 each year,
10 starting in January of 2022. The State Treasurer may include
11 the Program in other reports as warranted.

12 (i) Rules. The State Treasurer may adopt rules necessary to
13 implement this Section.

14 (Source: P.A. 101-466, eff. 1-1-20; revised 11-21-19.)

15 (15 ILCS 505/35)

16 Sec. 35. State Treasurer may purchase real property.

17 (a) Subject to the provisions of the Public Contract Fraud
18 Act, the State Treasurer, on behalf of the State of Illinois,
19 is authorized during State fiscal years 2019 and 2020 to
20 acquire real property located in the City of Springfield,
21 Illinois which the State Treasurer deems necessary to properly
22 carry out the powers and duties vested in him or her. Real
23 property acquired under this Section may be acquired subject to
24 any third party interests in the property that do not prevent
25 the State Treasurer from exercising the intended beneficial use

1 of such property.

2 (b) Subject to the provisions of the Treasurer's
3 Procurement Rules, which shall be substantially in accordance
4 with the requirements of the Illinois Procurement Code, the
5 State Treasurer may:

6 (1) enter into contracts relating to construction,
7 reconstruction or renovation projects for any such
8 buildings or lands acquired pursuant to subsection
9 ~~paragraph~~ (a); and

10 (2) equip, lease, operate and maintain those grounds,
11 buildings and facilities as may be appropriate to carry out
12 his or her statutory purposes and duties.

13 (c) The State Treasurer may enter into agreements with any
14 person with respect to the use and occupancy of the grounds,
15 buildings, and facilities of the State Treasurer, including
16 concession, license, and lease agreements on terms and
17 conditions as the State Treasurer determines and in accordance
18 with the procurement processes for the Office of the State
19 Treasurer, which shall be substantially in accordance with the
20 requirements of the Illinois Procurement Code.

21 (d) The exercise of the authority vested in the Treasurer
22 by this Section is subject to the appropriation of the
23 necessary funds.

24 (Source: P.A. 101-487, eff. 8-23-19; revised 11-21-19.)

25 Section 75. The Deposit of State Moneys Act is amended by

1 changing Sections 10 and 22.5 as follows:

2 (15 ILCS 520/10) (from Ch. 130, par. 29)

3 Sec. 10. The State Treasurer may enter into an agreement in
4 conformity with this Act with any bank or savings and loan
5 association relating to the deposit of securities. Such
6 agreement may authorize the holding by such bank or savings and
7 loan association of such securities in custody and safekeeping
8 solely under the instructions of the State Treasurer either (a)
9 in the office of such bank or savings and loan association, or
10 under the custody and safekeeping of another bank or savings
11 and loan association in this State for the depository bank or
12 savings and loan association, or (b) in a bank or a depository
13 trust company in the United States if the securities to be
14 deposited are held in custody and safekeeping for such bank or
15 savings and loan association.

16 (Source: P.A. 101-206, eff. 8-2-19; revised 9-12-19.)

17 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

18 (For force and effect of certain provisions, see Section 90
19 of P.A. 94-79)

20 Sec. 22.5. Permitted investments. The State Treasurer may,
21 with the approval of the Governor, invest and reinvest any
22 State money in the treasury which is not needed for current
23 expenditures due or about to become due, in obligations of the
24 United States government or its agencies or of National

1 Mortgage Associations established by or under the National
2 Housing Act, 12 U.S.C. 1701 et seq., or in mortgage
3 participation certificates representing undivided interests in
4 specified, first-lien conventional residential Illinois
5 mortgages that are underwritten, insured, guaranteed, or
6 purchased by the Federal Home Loan Mortgage Corporation or in
7 Affordable Housing Program Trust Fund Bonds or Notes as defined
8 in and issued pursuant to the Illinois Housing Development Act.
9 All such obligations shall be considered as cash and may be
10 delivered over as cash by a State Treasurer to his successor.

11 The State Treasurer may, with the approval of the Governor,
12 purchase any state bonds with any money in the State Treasury
13 that has been set aside and held for the payment of the
14 principal of and interest on the bonds. The bonds shall be
15 considered as cash and may be delivered over as cash by the
16 State Treasurer to his successor.

17 The State Treasurer may, with the approval of the Governor,
18 invest or reinvest any State money in the treasury that is not
19 needed for current expenditure due or about to become due, or
20 any money in the State Treasury that has been set aside and
21 held for the payment of the principal of and the interest on
22 any State bonds, in shares, withdrawable accounts, and
23 investment certificates of savings and building and loan
24 associations, incorporated under the laws of this State or any
25 other state or under the laws of the United States; provided,
26 however, that investments may be made only in those savings and

1 loan or building and loan associations the shares and
2 withdrawable accounts or other forms of investment securities
3 of which are insured by the Federal Deposit Insurance
4 Corporation.

5 The State Treasurer may not invest State money in any
6 savings and loan or building and loan association unless a
7 commitment by the savings and loan (or building and loan)
8 association, executed by the president or chief executive
9 officer of that association, is submitted in the following
10 form:

11 The Savings and Loan (or Building
12 and Loan) Association pledges not to reject arbitrarily
13 mortgage loans for residential properties within any
14 specific part of the community served by the savings and
15 loan (or building and loan) association because of the
16 location of the property. The savings and loan (or building
17 and loan) association also pledges to make loans available
18 on low and moderate income residential property throughout
19 the community within the limits of its legal restrictions
20 and prudent financial practices.

21 The State Treasurer may, with the approval of the Governor,
22 invest or reinvest any State money in the treasury that is not
23 needed for current expenditures due or about to become due, or
24 any money in the State Treasury that has been set aside and
25 held for the payment of the principal of and interest on any
26 State bonds, in bonds issued by counties or municipal

1 corporations of the State of Illinois.

2 The State Treasurer may invest or reinvest up to 5% of the
3 College Savings Pool Administrative Trust Fund, the Illinois
4 Public Treasurer Investment Pool (IPTIP) Administrative Trust
5 Fund, and the State Treasurer's Administrative Fund that is not
6 needed for current expenditures due or about to become due, in
7 common or preferred stocks of publicly traded corporations,
8 partnerships, or limited liability companies, organized in the
9 United States, with assets exceeding \$500,000,000 if: (i) the
10 purchases do not exceed 1% of the corporation's or the limited
11 liability company's outstanding common and preferred stock;
12 (ii) no more than 10% of the total funds are invested in any
13 one publicly traded corporation, partnership, or limited
14 liability company; and (iii) the corporation or the limited
15 liability company has not been placed on the list of restricted
16 companies by the Illinois Investment Policy Board under Section
17 1-110.16 of the Illinois Pension Code.

18 The State Treasurer may, with the approval of the Governor,
19 invest or reinvest any State money in the Treasury which is not
20 needed for current expenditure, due or about to become due, or
21 any money in the State Treasury which has been set aside and
22 held for the payment of the principal of and the interest on
23 any State bonds, in participations in loans, the principal of
24 which participation is fully guaranteed by an agency or
25 instrumentality of the United States government; provided,
26 however, that such loan participations are represented by

1 certificates issued only by banks which are incorporated under
2 the laws of this State or any other state or under the laws of
3 the United States, and such banks, but not the loan
4 participation certificates, are insured by the Federal Deposit
5 Insurance Corporation.

6 Whenever the total amount of vouchers presented to the
7 Comptroller under Section 9 of the State Comptroller Act
8 exceeds the funds available in the General Revenue Fund by
9 \$1,000,000,000 or more, then the State Treasurer may invest any
10 State money in the Treasury, other than money in the General
11 Revenue Fund, Health Insurance Reserve Fund, Attorney General
12 Court Ordered and Voluntary Compliance Payment Projects Fund,
13 Attorney General Whistleblower Reward and Protection Fund, and
14 Attorney General's State Projects and Court Ordered
15 Distribution Fund, which is not needed for current
16 expenditures, due or about to become due, or any money in the
17 State Treasury which has been set aside and held for the
18 payment of the principal of and the interest on any State bonds
19 with the Office of the Comptroller in order to enable the
20 Comptroller to pay outstanding vouchers. At any time, and from
21 time to time outstanding, such investment shall not be greater
22 than \$2,000,000,000. Such investment shall be deposited into
23 the General Revenue Fund or Health Insurance Reserve Fund as
24 determined by the Comptroller. Such investment shall be repaid
25 by the Comptroller with an interest rate tied to the London
26 Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an

1 equivalent market established variable rate, but in no case
2 shall such interest rate exceed the lesser of the penalty rate
3 established under the State Prompt Payment Act or the timely
4 pay interest rate under Section 368a of the Illinois Insurance
5 Code. The State Treasurer and the Comptroller shall enter into
6 an intergovernmental agreement to establish procedures for
7 such investments, which market established variable rate to
8 which the interest rate for the investments should be tied, and
9 other terms which the State Treasurer and Comptroller
10 reasonably believe to be mutually beneficial concerning these
11 investments by the State Treasurer. The State Treasurer and
12 Comptroller shall also enter into a written agreement for each
13 such investment that specifies the period of the investment,
14 the payment interval, the interest rate to be paid, the funds
15 in the Treasury from which the Treasurer will draw the
16 investment, and other terms upon which the State Treasurer and
17 Comptroller mutually agree. Such investment agreements shall
18 be public records and the State Treasurer shall post the terms
19 of all such investment agreements on the State Treasurer's
20 official website. In compliance with the intergovernmental
21 agreement, the Comptroller shall order and the State Treasurer
22 shall transfer amounts sufficient for the payment of principal
23 and interest invested by the State Treasurer with the Office of
24 the Comptroller under this paragraph from the General Revenue
25 Fund or the Health Insurance Reserve Fund to the respective
26 funds in the Treasury from which the State Treasurer drew the

1 investment. Public Act 100-1107 shall constitute an
2 irrevocable and continuing authority for all amounts necessary
3 for the payment of principal and interest on the investments
4 made with the Office of the Comptroller by the State Treasurer
5 under this paragraph, and the irrevocable and continuing
6 authority for and direction to the Comptroller and Treasurer to
7 make the necessary transfers.

8 The State Treasurer may, with the approval of the Governor,
9 invest or reinvest any State money in the Treasury that is not
10 needed for current expenditure, due or about to become due, or
11 any money in the State Treasury that has been set aside and
12 held for the payment of the principal of and the interest on
13 any State bonds, in any of the following:

14 (1) Bonds, notes, certificates of indebtedness,
15 Treasury bills, or other securities now or hereafter issued
16 that are guaranteed by the full faith and credit of the
17 United States of America as to principal and interest.

18 (2) Bonds, notes, debentures, or other similar
19 obligations of the United States of America, its agencies,
20 and instrumentalities.

21 (2.5) Bonds, notes, debentures, or other similar
22 obligations of a foreign government, other than the
23 Republic of the Sudan, that are guaranteed by the full
24 faith and credit of that government as to principal and
25 interest, but only if the foreign government has not
26 defaulted and has met its payment obligations in a timely

1 manner on all similar obligations for a period of at least
2 25 years immediately before the time of acquiring those
3 obligations.

4 (3) Interest-bearing savings accounts,
5 interest-bearing certificates of deposit, interest-bearing
6 time deposits, or any other investments constituting
7 direct obligations of any bank as defined by the Illinois
8 Banking Act.

9 (4) Interest-bearing accounts, certificates of
10 deposit, or any other investments constituting direct
11 obligations of any savings and loan associations
12 incorporated under the laws of this State or any other
13 state or under the laws of the United States.

14 (5) Dividend-bearing share accounts, share certificate
15 accounts, or class of share accounts of a credit union
16 chartered under the laws of this State or the laws of the
17 United States; provided, however, the principal office of
18 the credit union must be located within the State of
19 Illinois.

20 (6) Bankers' acceptances of banks whose senior
21 obligations are rated in the top 2 rating categories by 2
22 national rating agencies and maintain that rating during
23 the term of the investment.

24 (7) Short-term obligations of either corporations or
25 limited liability companies organized in the United States
26 with assets exceeding \$500,000,000 if (i) the obligations

1 are rated at the time of purchase at one of the 3 highest
2 classifications established by at least 2 standard rating
3 services and mature not later than 270 days from the date
4 of purchase, (ii) the purchases do not exceed 10% of the
5 corporation's or the limited liability company's
6 outstanding obligations, (iii) no more than one-third of
7 the public agency's funds are invested in short-term
8 obligations of either corporations or limited liability
9 companies, and (iv) the corporation or the limited
10 liability company has not been placed on the list of
11 restricted companies by the Illinois Investment Policy
12 Board under Section 1-110.16 of the Illinois Pension Code.

13 (7.5) Obligations of either corporations or limited
14 liability companies organized in the United States, that
15 have a significant presence in this State, with assets
16 exceeding \$500,000,000 if: (i) the obligations are rated at
17 the time of purchase at one of the 3 highest
18 classifications established by at least 2 standard rating
19 services and mature more than 270 days, but less than 10
20 years, from the date of purchase; (ii) the purchases do not
21 exceed 10% of the corporation's or the limited liability
22 company's outstanding obligations; (iii) no more than
23 one-third of the public agency's funds are invested in such
24 obligations of corporations or limited liability
25 companies; and (iv) the corporation or the limited
26 liability company has not been placed on the list of

1 restricted companies by the Illinois Investment Policy
2 Board under Section 1-110.16 of the Illinois Pension Code.

3 (8) Money market mutual funds registered under the
4 Investment Company Act of 1940.

5 (9) The Public Treasurers' Investment Pool created
6 under Section 17 of the State Treasurer Act or in a fund
7 managed, operated, and administered by a bank.

8 (10) Repurchase agreements of government securities
9 having the meaning set out in the Government Securities Act
10 of 1986, as now or hereafter amended or succeeded, subject
11 to the provisions of that Act and the regulations issued
12 thereunder.

13 (11) Investments made in accordance with the
14 Technology Development Act.

15 (12) Investments made in accordance with the Student
16 Investment Account Act.

17 For purposes of this Section, "agencies" of the United
18 States Government includes:

19 (i) the federal land banks, federal intermediate
20 credit banks, banks for cooperatives, federal farm credit
21 banks, or any other entity authorized to issue debt
22 obligations under the Farm Credit Act of 1971 (12 U.S.C.
23 2001 et seq.) and Acts amendatory thereto;

24 (ii) the federal home loan banks and the federal home
25 loan mortgage corporation;

26 (iii) the Commodity Credit Corporation; and

1 (iv) any other agency created by Act of Congress.

2 The Treasurer may, with the approval of the Governor, lend
3 any securities acquired under this Act. However, securities may
4 be lent under this Section only in accordance with Federal
5 Financial Institution Examination Council guidelines and only
6 if the securities are collateralized at a level sufficient to
7 assure the safety of the securities, taking into account market
8 value fluctuation. The securities may be collateralized by cash
9 or collateral acceptable under Sections 11 and 11.1.

10 (Source: P.A. 100-1107, eff. 8-27-18; 101-81, eff. 7-12-19;
11 101-206, eff. 8-2-19; 101-586, eff. 8-26-19; revised 9-25-19.)

12 Section 80. The Civil Administrative Code of Illinois is
13 amended by changing Section 5-565 as follows:

14 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

15 Sec. 5-565. In the Department of Public Health.

16 (a) The General Assembly declares it to be the public
17 policy of this State that all citizens of Illinois are entitled
18 to lead healthy lives. Governmental public health has a
19 specific responsibility to ensure that a public health system
20 is in place to allow the public health mission to be achieved.
21 The public health system is the collection of public, private,
22 and voluntary entities as well as individuals and informal
23 associations that contribute to the public's health within the
24 State. To develop a public health system requires certain core

1 functions to be performed by government. The State Board of
2 Health is to assume the leadership role in advising the
3 Director in meeting the following functions:

- 4 (1) Needs assessment.
- 5 (2) Statewide health objectives.
- 6 (3) Policy development.
- 7 (4) Assurance of access to necessary services.

8 There shall be a State Board of Health composed of 20
9 persons, all of whom shall be appointed by the Governor, with
10 the advice and consent of the Senate for those appointed by the
11 Governor on and after June 30, 1998, and one of whom shall be a
12 senior citizen age 60 or over. Five members shall be physicians
13 licensed to practice medicine in all its branches, one
14 representing a medical school faculty, one who is board
15 certified in preventive medicine, and one who is engaged in
16 private practice. One member shall be a chiropractic physician.
17 One member shall be a dentist; one an environmental health
18 practitioner; one a local public health administrator; one a
19 local board of health member; one a registered nurse; one a
20 physical therapist; one an optometrist; one a veterinarian; one
21 a public health academician; one a health care industry
22 representative; one a representative of the business
23 community; one a representative of the non-profit public
24 interest community; and 2 shall be citizens at large.

25 The terms of Board of Health members shall be 3 years,
26 except that members shall continue to serve on the Board of

1 Health until a replacement is appointed. Upon the effective
2 date of Public Act 93-975 (January 1, 2005) ~~this amendatory Act~~
3 ~~of the 93rd General Assembly,~~ in the appointment of the Board
4 of Health members appointed to vacancies or positions with
5 terms expiring on or before December 31, 2004, the Governor
6 shall appoint up to 6 members to serve for terms of 3 years; up
7 to 6 members to serve for terms of 2 years; and up to 5 members
8 to serve for a term of one year, so that the term of no more
9 than 6 members expire in the same year. All members shall be
10 legal residents of the State of Illinois. The duties of the
11 Board shall include, but not be limited to, the following:

12 (1) To advise the Department of ways to encourage
13 public understanding and support of the Department's
14 programs.

15 (2) To evaluate all boards, councils, committees,
16 authorities, and bodies advisory to, or an adjunct of, the
17 Department of Public Health or its Director for the purpose
18 of recommending to the Director one or more of the
19 following:

20 (i) The elimination of bodies whose activities are
21 not consistent with goals and objectives of the
22 Department.

23 (ii) The consolidation of bodies whose activities
24 encompass compatible programmatic subjects.

25 (iii) The restructuring of the relationship
26 between the various bodies and their integration

1 within the organizational structure of the Department.

2 (iv) The establishment of new bodies deemed
3 essential to the functioning of the Department.

4 (3) To serve as an advisory group to the Director for
5 public health emergencies and control of health hazards.

6 (4) To advise the Director regarding public health
7 policy, and to make health policy recommendations
8 regarding priorities to the Governor through the Director.

9 (5) To present public health issues to the Director and
10 to make recommendations for the resolution of those issues.

11 (6) To recommend studies to delineate public health
12 problems.

13 (7) To make recommendations to the Governor through the
14 Director regarding the coordination of State public health
15 activities with other State and local public health
16 agencies and organizations.

17 (8) To report on or before February 1 of each year on
18 the health of the residents of Illinois to the Governor,
19 the General Assembly, and the public.

20 (9) To review the final draft of all proposed
21 administrative rules, other than emergency or peremptory
22 ~~preemptory~~ rules and those rules that another advisory body
23 must approve or review within a statutorily defined time
24 period, of the Department after September 19, 1991 (the
25 effective date of Public Act 87-633). The Board shall
26 review the proposed rules within 90 days of submission by

1 the Department. The Department shall take into
2 consideration any comments and recommendations of the
3 Board regarding the proposed rules prior to submission to
4 the Secretary of State for initial publication. If the
5 Department disagrees with the recommendations of the
6 Board, it shall submit a written response outlining the
7 reasons for not accepting the recommendations.

8 In the case of proposed administrative rules or
9 amendments to administrative rules regarding immunization
10 of children against preventable communicable diseases
11 designated by the Director under the Communicable Disease
12 Prevention Act, after the Immunization Advisory Committee
13 has made its recommendations, the Board shall conduct 3
14 public hearings, geographically distributed throughout the
15 State. At the conclusion of the hearings, the State Board
16 of Health shall issue a report, including its
17 recommendations, to the Director. The Director shall take
18 into consideration any comments or recommendations made by
19 the Board based on these hearings.

20 (10) To deliver to the Governor for presentation to the
21 General Assembly a State Health Improvement Plan. The first
22 3 such plans shall be delivered to the Governor on January
23 1, 2006, January 1, 2009, and January 1, 2016 and then
24 every 5 years thereafter.

25 The Plan shall recommend priorities and strategies to
26 improve the public health system and the health status of

1 Illinois residents, taking into consideration national
2 health objectives and system standards as frameworks for
3 assessment.

4 The Plan shall also take into consideration priorities
5 and strategies developed at the community level through the
6 Illinois Project for Local Assessment of Needs (IPLAN) and
7 any regional health improvement plans that may be
8 developed. The Plan shall focus on prevention as a key
9 strategy for long-term health improvement in Illinois.

10 The Plan shall examine and make recommendations on the
11 contributions and strategies of the public and private
12 sectors for improving health status and the public health
13 system in the State. In addition to recommendations on
14 health status improvement priorities and strategies for
15 the population of the State as a whole, the Plan shall make
16 recommendations regarding priorities and strategies for
17 reducing and eliminating health disparities in Illinois;
18 including racial, ethnic, gender, age, socio-economic, and
19 geographic disparities.

20 The Director of the Illinois Department of Public
21 Health shall appoint a Planning Team that includes a range
22 of public, private, and voluntary sector stakeholders and
23 participants in the public health system. This Team shall
24 include: the directors of State agencies with public health
25 responsibilities (or their designees), including, but not
26 limited to, the Illinois Departments of Public Health and

1 Department of Human Services, representatives of local
2 health departments, representatives of local community
3 health partnerships, and individuals with expertise who
4 represent an array of organizations and constituencies
5 engaged in public health improvement and prevention.

6 The State Board of Health shall hold at least 3 public
7 hearings addressing drafts of the Plan in representative
8 geographic areas of the State. Members of the Planning Team
9 shall receive no compensation for their services, but may
10 be reimbursed for their necessary expenses.

11 Upon the delivery of each State Health Improvement
12 Plan, the Governor shall appoint a SHIP Implementation
13 Coordination Council that includes a range of public,
14 private, and voluntary sector stakeholders and
15 participants in the public health system. The Council shall
16 include the directors of State agencies and entities with
17 public health system responsibilities (or their
18 designees), including, but not limited to, the Department
19 of Public Health, Department of Human Services, Department
20 of Healthcare and Family Services, Environmental
21 Protection Agency, Illinois State Board of Education,
22 Department on Aging, Illinois Violence Prevention
23 Authority, Department of Agriculture, Department of
24 Insurance, Department of Financial and Professional
25 Regulation, Department of Transportation, and Department
26 of Commerce and Economic Opportunity and the Chair of the

1 State Board of Health. The Council shall include
2 representatives of local health departments and
3 individuals with expertise who represent an array of
4 organizations and constituencies engaged in public health
5 improvement and prevention, including non-profit public
6 interest groups, health issue groups, faith community
7 groups, health care providers, businesses and employers,
8 academic institutions, and community-based organizations.
9 The Governor shall endeavor to make the membership of the
10 Council representative of the racial, ethnic, gender,
11 socio-economic, and geographic diversity of the State. The
12 Governor shall designate one State agency representative
13 and one other non-governmental member as co-chairs of the
14 Council. The Governor shall designate a member of the
15 Governor's office to serve as liaison to the Council and
16 one or more State agencies to provide or arrange for
17 support to the Council. The members of the SHIP
18 Implementation Coordination Council for each State Health
19 Improvement Plan shall serve until the delivery of the
20 subsequent State Health Improvement Plan, whereupon a new
21 Council shall be appointed. Members of the SHIP Planning
22 Team may serve on the SHIP Implementation Coordination
23 Council if so appointed by the Governor.

24 The SHIP Implementation Coordination Council shall
25 coordinate the efforts and engagement of the public,
26 private, and voluntary sector stakeholders and

1 participants in the public health system to implement each
2 SHIP. The Council shall serve as a forum for collaborative
3 action; coordinate existing and new initiatives; develop
4 detailed implementation steps, with mechanisms for action;
5 implement specific projects; identify public and private
6 funding sources at the local, State and federal level;
7 promote public awareness of the SHIP; advocate for the
8 implementation of the SHIP; and develop an annual report to
9 the Governor, General Assembly, and public regarding the
10 status of implementation of the SHIP. The Council shall
11 not, however, have the authority to direct any public or
12 private entity to take specific action to implement the
13 SHIP.

14 (11) Upon the request of the Governor, to recommend to
15 the Governor candidates for Director of Public Health when
16 vacancies occur in the position.

17 (12) To adopt bylaws for the conduct of its own
18 business, including the authority to establish ad hoc
19 committees to address specific public health programs
20 requiring resolution.

21 (13) (Blank).

22 Upon appointment, the Board shall elect a chairperson from
23 among its members.

24 Members of the Board shall receive compensation for their
25 services at the rate of \$150 per day, not to exceed \$10,000 per
26 year, as designated by the Director for each day required for

1 transacting the business of the Board and shall be reimbursed
2 for necessary expenses incurred in the performance of their
3 duties. The Board shall meet from time to time at the call of
4 the Department, at the call of the chairperson, or upon the
5 request of 3 of its members, but shall not meet less than 4
6 times per year.

7 (b) (Blank).

8 (c) An Advisory Board on Necropsy Service to Coroners,
9 which shall counsel and advise with the Director on the
10 administration of the Autopsy Act. The Advisory Board shall
11 consist of 11 members, including a senior citizen age 60 or
12 over, appointed by the Governor, one of whom shall be
13 designated as chairman by a majority of the members of the
14 Board. In the appointment of the first Board the Governor shall
15 appoint 3 members to serve for terms of 1 year, 3 for terms of 2
16 years, and 3 for terms of 3 years. The members first appointed
17 under Public Act 83-1538 shall serve for a term of 3 years. All
18 members appointed thereafter shall be appointed for terms of 3
19 years, except that when an appointment is made to fill a
20 vacancy, the appointment shall be for the remaining term of the
21 position vacant. The members of the Board shall be citizens of
22 the State of Illinois. In the appointment of members of the
23 Advisory Board the Governor shall appoint 3 members who shall
24 be persons licensed to practice medicine and surgery in the
25 State of Illinois, at least 2 of whom shall have received
26 post-graduate training in the field of pathology; 3 members who

1 are duly elected coroners in this State; and 5 members who
2 shall have interest and abilities in the field of forensic
3 medicine but who shall be neither persons licensed to practice
4 any branch of medicine in this State nor coroners. In the
5 appointment of medical and coroner members of the Board, the
6 Governor shall invite nominations from recognized medical and
7 coroners organizations in this State respectively. Board
8 members, while serving on business of the Board, shall receive
9 actual necessary travel and subsistence expenses while so
10 serving away from their places of residence.

11 (Source: P.A. 98-463, eff. 8-16-13; 99-527, eff. 1-1-17;
12 revised 7-17-19.)

13 Section 85. The Children and Family Services Act is amended
14 by changing Section 5 and by setting forth, renumbering, and
15 changing multiple versions of Section 42 as follows:

16 (20 ILCS 505/5) (from Ch. 23, par. 5005)

17 Sec. 5. Direct child welfare services; Department of
18 Children and Family Services. To provide direct child welfare
19 services when not available through other public or private
20 child care or program facilities.

21 (a) For purposes of this Section:

22 (1) "Children" means persons found within the State who
23 are under the age of 18 years. The term also includes
24 persons under age 21 who:

1 (A) were committed to the Department pursuant to
2 the Juvenile Court Act or the Juvenile Court Act of
3 1987, ~~as amended,~~ and who continue under the
4 jurisdiction of the court; or

5 (B) were accepted for care, service and training by
6 the Department prior to the age of 18 and whose best
7 interest in the discretion of the Department would be
8 served by continuing that care, service and training
9 because of severe emotional disturbances, physical
10 disability, social adjustment or any combination
11 thereof, or because of the need to complete an
12 educational or vocational training program.

13 (2) "Homeless youth" means persons found within the
14 State who are under the age of 19, are not in a safe and
15 stable living situation and cannot be reunited with their
16 families.

17 (3) "Child welfare services" means public social
18 services which are directed toward the accomplishment of
19 the following purposes:

20 (A) protecting and promoting the health, safety
21 and welfare of children, including homeless,
22 dependent, or neglected children;

23 (B) remedying, or assisting in the solution of
24 problems which may result in, the neglect, abuse,
25 exploitation, or delinquency of children;

26 (C) preventing the unnecessary separation of

1 children from their families by identifying family
2 problems, assisting families in resolving their
3 problems, and preventing the breakup of the family
4 where the prevention of child removal is desirable and
5 possible when the child can be cared for at home
6 without endangering the child's health and safety;

7 (D) restoring to their families children who have
8 been removed, by the provision of services to the child
9 and the families when the child can be cared for at
10 home without endangering the child's health and
11 safety;

12 (E) placing children in suitable adoptive homes,
13 in cases where restoration to the biological family is
14 not safe, possible, or appropriate;

15 (F) assuring safe and adequate care of children
16 away from their homes, in cases where the child cannot
17 be returned home or cannot be placed for adoption. At
18 the time of placement, the Department shall consider
19 concurrent planning, as described in subsection (1-1)
20 of this Section so that permanency may occur at the
21 earliest opportunity. Consideration should be given so
22 that if reunification fails or is delayed, the
23 placement made is the best available placement to
24 provide permanency for the child;

25 (G) (blank);

26 (H) (blank); and

1 (I) placing and maintaining children in facilities
2 that provide separate living quarters for children
3 under the age of 18 and for children 18 years of age
4 and older, unless a child 18 years of age is in the
5 last year of high school education or vocational
6 training, in an approved individual or group treatment
7 program, in a licensed shelter facility, or secure
8 child care facility. The Department is not required to
9 place or maintain children:

10 (i) who are in a foster home, or

11 (ii) who are persons with a developmental
12 disability, as defined in the Mental Health and
13 Developmental Disabilities Code, or

14 (iii) who are female children who are
15 pregnant, pregnant and parenting, or parenting, or

16 (iv) who are siblings, in facilities that
17 provide separate living quarters for children 18
18 years of age and older and for children under 18
19 years of age.

20 (b) (Blank).

21 (c) The Department shall establish and maintain
22 tax-supported child welfare services and extend and seek to
23 improve voluntary services throughout the State, to the end
24 that services and care shall be available on an equal basis
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the
2 Department. As a prerequisite for an advance disbursement, the
3 contractor must post a surety bond in the amount of the advance
4 disbursement and have a purchase of service contract approved
5 by the Department. The Department may pay up to 2 months
6 operational expenses in advance. The amount of the advance
7 disbursement shall be prorated over the life of the contract or
8 the remaining months of the fiscal year, whichever is less, and
9 the installment amount shall then be deducted from future
10 bills. Advance disbursement authorizations for new initiatives
11 shall not be made to any agency after that agency has operated
12 during 2 consecutive fiscal years. The requirements of this
13 Section concerning advance disbursements shall not apply with
14 respect to the following: payments to local public agencies for
15 child day care services as authorized by Section 5a of this
16 Act; and youth service programs receiving grant funds under
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Department shall establish rules and regulations
21 concerning its operation of programs designed to meet the goals
22 of child safety and protection, family preservation, family
23 reunification, and adoption, including, but not limited to:

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall
12 include provisions for training Department staff and the staff
13 of Department grantees, through contracts with other agencies
14 or resources, in screening techniques to identify substance use
15 disorders, as defined in the Substance Use Disorder Act,
16 approved by the Department of Human Services, as a successor to
17 the Department of Alcoholism and Substance Abuse, for the
18 purpose of identifying children and adults who should be
19 referred for an assessment at an organization appropriately
20 licensed by the Department of Human Services for substance use
21 disorder treatment.

22 (h) If the Department finds that there is no appropriate
23 program or facility within or available to the Department for a
24 youth in care and that no licensed private facility has an
25 adequate and appropriate program or none agrees to accept the
26 youth in care, the Department shall create an appropriate

1 individualized, program-oriented plan for such youth in care.
2 The plan may be developed within the Department or through
3 purchase of services by the Department to the extent that it is
4 within its statutory authority to do.

5 (i) Service programs shall be available throughout the
6 State and shall include but not be limited to the following
7 services:

8 (1) case management;

9 (2) homemakers;

10 (3) counseling;

11 (4) parent education;

12 (5) day care; and

13 (6) emergency assistance and advocacy.

14 In addition, the following services may be made available
15 to assess and meet the needs of children and families:

16 (1) comprehensive family-based services;

17 (2) assessments;

18 (3) respite care; and

19 (4) in-home health services.

20 The Department shall provide transportation for any of the
21 services it makes available to children or families or for
22 which it refers children or families.

23 (j) The Department may provide categories of financial
24 assistance and education assistance grants, and shall
25 establish rules and regulations concerning the assistance and
26 grants, to persons who adopt children with physical or mental

1 disabilities, children who are older, or other hard-to-place
2 children who (i) immediately prior to their adoption were youth
3 in care or (ii) were determined eligible for financial
4 assistance with respect to a prior adoption and who become
5 available for adoption because the prior adoption has been
6 dissolved and the parental rights of the adoptive parents have
7 been terminated or because the child's adoptive parents have
8 died. The Department may continue to provide financial
9 assistance and education assistance grants for a child who was
10 determined eligible for financial assistance under this
11 subsection (j) in the interim period beginning when the child's
12 adoptive parents died and ending with the finalization of the
13 new adoption of the child by another adoptive parent or
14 parents. The Department may also provide categories of
15 financial assistance and education assistance grants, and
16 shall establish rules and regulations for the assistance and
17 grants, to persons appointed guardian of the person under
18 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
19 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
20 who were youth in care for 12 months immediately prior to the
21 appointment of the guardian.

22 The amount of assistance may vary, depending upon the needs
23 of the child and the adoptive parents, as set forth in the
24 annual assistance agreement. Special purpose grants are
25 allowed where the child requires special service but such costs
26 may not exceed the amounts which similar services would cost

1 the Department if it were to provide or secure them as guardian
2 of the child.

3 Any financial assistance provided under this subsection is
4 inalienable by assignment, sale, execution, attachment,
5 garnishment, or any other remedy for recovery or collection of
6 a judgment or debt.

7 (j-5) The Department shall not deny or delay the placement
8 of a child for adoption if an approved family is available
9 either outside of the Department region handling the case, or
10 outside of the State of Illinois.

11 (k) The Department shall accept for care and training any
12 child who has been adjudicated neglected or abused, or
13 dependent committed to it pursuant to the Juvenile Court Act or
14 the Juvenile Court Act of 1987.

15 (l) The Department shall offer family preservation
16 services, as defined in Section 8.2 of the Abused and Neglected
17 Child Reporting Act, to help families, including adoptive and
18 extended families. Family preservation services shall be
19 offered (i) to prevent the placement of children in substitute
20 care when the children can be cared for at home or in the
21 custody of the person responsible for the children's welfare,
22 (ii) to reunite children with their families, or (iii) to
23 maintain an adoptive placement. Family preservation services
24 shall only be offered when doing so will not endanger the
25 children's health or safety. With respect to children who are
26 in substitute care pursuant to the Juvenile Court Act of 1987,

1 family preservation services shall not be offered if a goal
2 other than those of subdivisions (A), (B), or (B-1) of
3 subsection (2) of Section 2-28 of that Act has been set, except
4 that reunification services may be offered as provided in
5 paragraph (F) of subsection (2) of Section 2-28 of that Act.
6 Nothing in this paragraph shall be construed to create a
7 private right of action or claim on the part of any individual
8 or child welfare agency, except that when a child is the
9 subject of an action under Article II of the Juvenile Court Act
10 of 1987 and the child's service plan calls for services to
11 facilitate achievement of the permanency goal, the court
12 hearing the action under Article II of the Juvenile Court Act
13 of 1987 may order the Department to provide the services set
14 out in the plan, if those services are not provided with
15 reasonable promptness and if those services are available.

16 The Department shall notify the child and his family of the
17 Department's responsibility to offer and provide family
18 preservation services as identified in the service plan. The
19 child and his family shall be eligible for services as soon as
20 the report is determined to be "indicated". The Department may
21 offer services to any child or family with respect to whom a
22 report of suspected child abuse or neglect has been filed,
23 prior to concluding its investigation under Section 7.12 of the
24 Abused and Neglected Child Reporting Act. However, the child's
25 or family's willingness to accept services shall not be
26 considered in the investigation. The Department may also

1 provide services to any child or family who is the subject of
2 any report of suspected child abuse or neglect or may refer
3 such child or family to services available from other agencies
4 in the community, even if the report is determined to be
5 unfounded, if the conditions in the child's or family's home
6 are reasonably likely to subject the child or family to future
7 reports of suspected child abuse or neglect. Acceptance of such
8 services shall be voluntary. The Department may also provide
9 services to any child or family after completion of a family
10 assessment, as an alternative to an investigation, as provided
11 under the "differential response program" provided for in
12 subsection (a-5) of Section 7.4 of the Abused and Neglected
13 Child Reporting Act.

14 The Department may, at its discretion except for those
15 children also adjudicated neglected or dependent, accept for
16 care and training any child who has been adjudicated addicted,
17 as a truant minor in need of supervision or as a minor
18 requiring authoritative intervention, under the Juvenile Court
19 Act or the Juvenile Court Act of 1987, but no such child shall
20 be committed to the Department by any court without the
21 approval of the Department. On and after January 1, 2015 (the
22 effective date of Public Act 98-803) and before January 1,
23 2017, a minor charged with a criminal offense under the
24 Criminal Code of 1961 or the Criminal Code of 2012 or
25 adjudicated delinquent shall not be placed in the custody of or
26 committed to the Department by any court, except (i) a minor

1 less than 16 years of age committed to the Department under
2 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
3 for whom an independent basis of abuse, neglect, or dependency
4 exists, which must be defined by departmental rule, or (iii) a
5 minor for whom the court has granted a supplemental petition to
6 reinstate wardship pursuant to subsection (2) of Section 2-33
7 of the Juvenile Court Act of 1987. On and after January 1,
8 2017, a minor charged with a criminal offense under the
9 Criminal Code of 1961 or the Criminal Code of 2012 or
10 adjudicated delinquent shall not be placed in the custody of or
11 committed to the Department by any court, except (i) a minor
12 less than 15 years of age committed to the Department under
13 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
14 for whom an independent basis of abuse, neglect, or dependency
15 exists, which must be defined by departmental rule, or (iii) a
16 minor for whom the court has granted a supplemental petition to
17 reinstate wardship pursuant to subsection (2) of Section 2-33
18 of the Juvenile Court Act of 1987. An independent basis exists
19 when the allegations or adjudication of abuse, neglect, or
20 dependency do not arise from the same facts, incident, or
21 circumstances which give rise to a charge or adjudication of
22 delinquency. The Department shall assign a caseworker to attend
23 any hearing involving a youth in the care and custody of the
24 Department who is placed on aftercare release, including
25 hearings involving sanctions for violation of aftercare
26 release conditions and aftercare release revocation hearings.

1 As soon as is possible after August 7, 2009 (the effective
2 date of Public Act 96-134), the Department shall develop and
3 implement a special program of family preservation services to
4 support intact, foster, and adoptive families who are
5 experiencing extreme hardships due to the difficulty and stress
6 of caring for a child who has been diagnosed with a pervasive
7 developmental disorder if the Department determines that those
8 services are necessary to ensure the health and safety of the
9 child. The Department may offer services to any family whether
10 or not a report has been filed under the Abused and Neglected
11 Child Reporting Act. The Department may refer the child or
12 family to services available from other agencies in the
13 community if the conditions in the child's or family's home are
14 reasonably likely to subject the child or family to future
15 reports of suspected child abuse or neglect. Acceptance of
16 these services shall be voluntary. The Department shall develop
17 and implement a public information campaign to alert health and
18 social service providers and the general public about these
19 special family preservation services. The nature and scope of
20 the services offered and the number of families served under
21 the special program implemented under this paragraph shall be
22 determined by the level of funding that the Department annually
23 allocates for this purpose. The term "pervasive developmental
24 disorder" under this paragraph means a neurological condition,
25 including, but not limited to, Asperger's Syndrome and autism,
26 as defined in the most recent edition of the Diagnostic and

1 Statistical Manual of Mental Disorders of the American
2 Psychiatric Association.

3 (1-1) The legislature recognizes that the best interests of
4 the child require that the child be placed in the most
5 permanent living arrangement as soon as is practically
6 possible. To achieve this goal, the legislature directs the
7 Department of Children and Family Services to conduct
8 concurrent planning so that permanency may occur at the
9 earliest opportunity. Permanent living arrangements may
10 include prevention of placement of a child outside the home of
11 the family when the child can be cared for at home without
12 endangering the child's health or safety; reunification with
13 the family, when safe and appropriate, if temporary placement
14 is necessary; or movement of the child toward the most
15 permanent living arrangement and permanent legal status.

16 When determining reasonable efforts to be made with respect
17 to a child, as described in this subsection, and in making such
18 reasonable efforts, the child's health and safety shall be the
19 paramount concern.

20 When a child is placed in foster care, the Department shall
21 ensure and document that reasonable efforts were made to
22 prevent or eliminate the need to remove the child from the
23 child's home. The Department must make reasonable efforts to
24 reunify the family when temporary placement of the child occurs
25 unless otherwise required, pursuant to the Juvenile Court Act
26 of 1987. At any time after the dispositional hearing where the

1 Department believes that further reunification services would
2 be ineffective, it may request a finding from the court that
3 reasonable efforts are no longer appropriate. The Department is
4 not required to provide further reunification services after
5 such a finding.

6 A decision to place a child in substitute care shall be
7 made with considerations of the child's health, safety, and
8 best interests. At the time of placement, consideration should
9 also be given so that if reunification fails or is delayed, the
10 placement made is the best available placement to provide
11 permanency for the child.

12 The Department shall adopt rules addressing concurrent
13 planning for reunification and permanency. The Department
14 shall consider the following factors when determining
15 appropriateness of concurrent planning:

- 16 (1) the likelihood of prompt reunification;
17 (2) the past history of the family;
18 (3) the barriers to reunification being addressed by
19 the family;
20 (4) the level of cooperation of the family;
21 (5) the foster parents' willingness to work with the
22 family to reunite;
23 (6) the willingness and ability of the foster family to
24 provide an adoptive home or long-term placement;
25 (7) the age of the child;
26 (8) placement of siblings.

1 (m) The Department may assume temporary custody of any
2 child if:

3 (1) it has received a written consent to such temporary
4 custody signed by the parents of the child or by the parent
5 having custody of the child if the parents are not living
6 together or by the guardian or custodian of the child if
7 the child is not in the custody of either parent, or

8 (2) the child is found in the State and neither a
9 parent, guardian nor custodian of the child can be located.

10 If the child is found in his or her residence without a parent,
11 guardian, custodian, or responsible caretaker, the Department
12 may, instead of removing the child and assuming temporary
13 custody, place an authorized representative of the Department
14 in that residence until such time as a parent, guardian, or
15 custodian enters the home and expresses a willingness and
16 apparent ability to ensure the child's health and safety and
17 resume permanent charge of the child, or until a relative
18 enters the home and is willing and able to ensure the child's
19 health and safety and assume charge of the child until a
20 parent, guardian, or custodian enters the home and expresses
21 such willingness and ability to ensure the child's safety and
22 resume permanent charge. After a caretaker has remained in the
23 home for a period not to exceed 12 hours, the Department must
24 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
25 5-415 of the Juvenile Court Act of 1987.

26 The Department shall have the authority, responsibilities

1 and duties that a legal custodian of the child would have
2 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
3 Act of 1987. Whenever a child is taken into temporary custody
4 pursuant to an investigation under the Abused and Neglected
5 Child Reporting Act, or pursuant to a referral and acceptance
6 under the Juvenile Court Act of 1987 of a minor in limited
7 custody, the Department, during the period of temporary custody
8 and before the child is brought before a judicial officer as
9 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
10 Court Act of 1987, shall have the authority, responsibilities
11 and duties that a legal custodian of the child would have under
12 subsection (9) of Section 1-3 of the Juvenile Court Act of
13 1987.

14 The Department shall ensure that any child taken into
15 custody is scheduled for an appointment for a medical
16 examination.

17 A parent, guardian, or custodian of a child in the
18 temporary custody of the Department who would have custody of
19 the child if he were not in the temporary custody of the
20 Department may deliver to the Department a signed request that
21 the Department surrender the temporary custody of the child.
22 The Department may retain temporary custody of the child for 10
23 days after the receipt of the request, during which period the
24 Department may cause to be filed a petition pursuant to the
25 Juvenile Court Act of 1987. If a petition is so filed, the
26 Department shall retain temporary custody of the child until

1 the court orders otherwise. If a petition is not filed within
2 the 10-day period, the child shall be surrendered to the
3 custody of the requesting parent, guardian, or custodian not
4 later than the expiration of the 10-day period, at which time
5 the authority and duties of the Department with respect to the
6 temporary custody of the child shall terminate.

7 (m-1) The Department may place children under 18 years of
8 age in a secure child care facility licensed by the Department
9 that cares for children who are in need of secure living
10 arrangements for their health, safety, and well-being after a
11 determination is made by the facility director and the Director
12 or the Director's designate prior to admission to the facility
13 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
14 This subsection (m-1) does not apply to a child who is subject
15 to placement in a correctional facility operated pursuant to
16 Section 3-15-2 of the Unified Code of Corrections, unless the
17 child is a youth in care who was placed in the care of the
18 Department before being subject to placement in a correctional
19 facility and a court of competent jurisdiction has ordered
20 placement of the child in a secure care facility.

21 (n) The Department may place children under 18 years of age
22 in licensed child care facilities when in the opinion of the
23 Department, appropriate services aimed at family preservation
24 have been unsuccessful and cannot ensure the child's health and
25 safety or are unavailable and such placement would be for their
26 best interest. Payment for board, clothing, care, training and

1 supervision of any child placed in a licensed child care
2 facility may be made by the Department, by the parents or
3 guardians of the estates of those children, or by both the
4 Department and the parents or guardians, except that no
5 payments shall be made by the Department for any child placed
6 in a licensed child care facility for board, clothing, care,
7 training and supervision of such a child that exceed the
8 average per capita cost of maintaining and of caring for a
9 child in institutions for dependent or neglected children
10 operated by the Department. However, such restriction on
11 payments does not apply in cases where children require
12 specialized care and treatment for problems of severe emotional
13 disturbance, physical disability, social adjustment, or any
14 combination thereof and suitable facilities for the placement
15 of such children are not available at payment rates within the
16 limitations set forth in this Section. All reimbursements for
17 services delivered shall be absolutely inalienable by
18 assignment, sale, attachment, or garnishment or otherwise.

19 (n-1) The Department shall provide or authorize child
20 welfare services, aimed at assisting minors to achieve
21 sustainable self-sufficiency as independent adults, for any
22 minor eligible for the reinstatement of wardship pursuant to
23 subsection (2) of Section 2-33 of the Juvenile Court Act of
24 1987, whether or not such reinstatement is sought or allowed,
25 provided that the minor consents to such services and has not
26 yet attained the age of 21. The Department shall have

1 responsibility for the development and delivery of services
2 under this Section. An eligible youth may access services under
3 this Section through the Department of Children and Family
4 Services or by referral from the Department of Human Services.
5 Youth participating in services under this Section shall
6 cooperate with the assigned case manager in developing an
7 agreement identifying the services to be provided and how the
8 youth will increase skills to achieve self-sufficiency. A
9 homeless shelter is not considered appropriate housing for any
10 youth receiving child welfare services under this Section. The
11 Department shall continue child welfare services under this
12 Section to any eligible minor until the minor becomes 21 years
13 of age, no longer consents to participate, or achieves
14 self-sufficiency as identified in the minor's service plan. The
15 Department of Children and Family Services shall create clear,
16 readable notice of the rights of former foster youth to child
17 welfare services under this Section and how such services may
18 be obtained. The Department of Children and Family Services and
19 the Department of Human Services shall disseminate this
20 information statewide. The Department shall adopt regulations
21 describing services intended to assist minors in achieving
22 sustainable self-sufficiency as independent adults.

23 (o) The Department shall establish an administrative
24 review and appeal process for children and families who request
25 or receive child welfare services from the Department. Youth in
26 care who are placed by private child welfare agencies, and

1 foster families with whom those youth are placed, shall be
2 afforded the same procedural and appeal rights as children and
3 families in the case of placement by the Department, including
4 the right to an initial review of a private agency decision by
5 that agency. The Department shall ensure that any private child
6 welfare agency, which accepts youth in care for placement,
7 affords those rights to children and foster families. The
8 Department shall accept for administrative review and an appeal
9 hearing a complaint made by (i) a child or foster family
10 concerning a decision following an initial review by a private
11 child welfare agency or (ii) a prospective adoptive parent who
12 alleges a violation of subsection (j-5) of this Section. An
13 appeal of a decision concerning a change in the placement of a
14 child shall be conducted in an expedited manner. A court
15 determination that a current foster home placement is necessary
16 and appropriate under Section 2-28 of the Juvenile Court Act of
17 1987 does not constitute a judicial determination on the merits
18 of an administrative appeal, filed by a former foster parent,
19 involving a change of placement decision.

20 (p) (Blank).

21 (q) The Department may receive and use, in their entirety,
22 for the benefit of children any gift, donation, or bequest of
23 money or other property which is received on behalf of such
24 children, or any financial benefits to which such children are
25 or may become entitled while under the jurisdiction or care of
26 the Department.

1 The Department shall set up and administer no-cost,
2 interest-bearing accounts in appropriate financial
3 institutions for children for whom the Department is legally
4 responsible and who have been determined eligible for Veterans'
5 Benefits, Social Security benefits, assistance allotments from
6 the armed forces, court ordered payments, parental voluntary
7 payments, Supplemental Security Income, Railroad Retirement
8 payments, Black Lung benefits, or other miscellaneous
9 payments. Interest earned by each account shall be credited to
10 the account, unless disbursed in accordance with this
11 subsection.

12 In disbursing funds from children's accounts, the
13 Department shall:

14 (1) Establish standards in accordance with State and
15 federal laws for disbursing money from children's
16 accounts. In all circumstances, the Department's
17 "Guardianship Administrator" or his or her designee must
18 approve disbursements from children's accounts. The
19 Department shall be responsible for keeping complete
20 records of all disbursements for each account for any
21 purpose.

22 (2) Calculate on a monthly basis the amounts paid from
23 State funds for the child's board and care, medical care
24 not covered under Medicaid, and social services; and
25 utilize funds from the child's account, as covered by
26 regulation, to reimburse those costs. Monthly,

1 disbursements from all children's accounts, up to 1/12 of
2 \$13,000,000, shall be deposited by the Department into the
3 General Revenue Fund and the balance over 1/12 of
4 \$13,000,000 into the DCFS Children's Services Fund.

5 (3) Maintain any balance remaining after reimbursing
6 for the child's costs of care, as specified in item (2).
7 The balance shall accumulate in accordance with relevant
8 State and federal laws and shall be disbursed to the child
9 or his or her guardian, or to the issuing agency.

10 (r) The Department shall promulgate regulations
11 encouraging all adoption agencies to voluntarily forward to the
12 Department or its agent names and addresses of all persons who
13 have applied for and have been approved for adoption of a
14 hard-to-place child or child with a disability and the names of
15 such children who have not been placed for adoption. A list of
16 such names and addresses shall be maintained by the Department
17 or its agent, and coded lists which maintain the
18 confidentiality of the person seeking to adopt the child and of
19 the child shall be made available, without charge, to every
20 adoption agency in the State to assist the agencies in placing
21 such children for adoption. The Department may delegate to an
22 agent its duty to maintain and make available such lists. The
23 Department shall ensure that such agent maintains the
24 confidentiality of the person seeking to adopt the child and of
25 the child.

26 (s) The Department of Children and Family Services may

1 establish and implement a program to reimburse Department and
2 private child welfare agency foster parents licensed by the
3 Department of Children and Family Services for damages
4 sustained by the foster parents as a result of the malicious or
5 negligent acts of foster children, as well as providing third
6 party coverage for such foster parents with regard to actions
7 of foster children to other individuals. Such coverage will be
8 secondary to the foster parent liability insurance policy, if
9 applicable. The program shall be funded through appropriations
10 from the General Revenue Fund, specifically designated for such
11 purposes.

12 (t) The Department shall perform home studies and
13 investigations and shall exercise supervision over visitation
14 as ordered by a court pursuant to the Illinois Marriage and
15 Dissolution of Marriage Act or the Adoption Act only if:

16 (1) an order entered by an Illinois court specifically
17 directs the Department to perform such services; and

18 (2) the court has ordered one or both of the parties to
19 the proceeding to reimburse the Department for its
20 reasonable costs for providing such services in accordance
21 with Department rules, or has determined that neither party
22 is financially able to pay.

23 The Department shall provide written notification to the
24 court of the specific arrangements for supervised visitation
25 and projected monthly costs within 60 days of the court order.
26 The Department shall send to the court information related to

1 the costs incurred except in cases where the court has
2 determined the parties are financially unable to pay. The court
3 may order additional periodic reports as appropriate.

4 (u) In addition to other information that must be provided,
5 whenever the Department places a child with a prospective
6 adoptive parent or parents, ~~or~~ in a licensed foster home, group
7 home, or child care institution, or in a relative home, the
8 Department shall provide to the prospective adoptive parent or
9 parents or other caretaker:

10 (1) available detailed information concerning the
11 child's educational and health history, copies of
12 immunization records (including insurance and medical card
13 information), a history of the child's previous
14 placements, if any, and reasons for placement changes
15 excluding any information that identifies or reveals the
16 location of any previous caretaker;

17 (2) a copy of the child's portion of the client service
18 plan, including any visitation arrangement, and all
19 amendments or revisions to it as related to the child; and

20 (3) information containing details of the child's
21 individualized educational plan when the child is
22 receiving special education services.

23 The caretaker shall be informed of any known social or
24 behavioral information (including, but not limited to,
25 criminal background, fire setting, perpetuation of sexual
26 abuse, destructive behavior, and substance abuse) necessary to

1 care for and safeguard the children to be placed or currently
2 in the home. The Department may prepare a written summary of
3 the information required by this paragraph, which may be
4 provided to the foster or prospective adoptive parent in
5 advance of a placement. The foster or prospective adoptive
6 parent may review the supporting documents in the child's file
7 in the presence of casework staff. In the case of an emergency
8 placement, casework staff shall at least provide known
9 information verbally, if necessary, and must subsequently
10 provide the information in writing as required by this
11 subsection.

12 The information described in this subsection shall be
13 provided in writing. In the case of emergency placements when
14 time does not allow prior review, preparation, and collection
15 of written information, the Department shall provide such
16 information as it becomes available. Within 10 business days
17 after placement, the Department shall obtain from the
18 prospective adoptive parent or parents or other caretaker a
19 signed verification of receipt of the information provided.
20 Within 10 business days after placement, the Department shall
21 provide to the child's guardian ad litem a copy of the
22 information provided to the prospective adoptive parent or
23 parents or other caretaker. The information provided to the
24 prospective adoptive parent or parents or other caretaker shall
25 be reviewed and approved regarding accuracy at the supervisory
26 level.

1 (u-5) Effective July 1, 1995, only foster care placements
2 licensed as foster family homes pursuant to the Child Care Act
3 of 1969 shall be eligible to receive foster care payments from
4 the Department. Relative caregivers who, as of July 1, 1995,
5 were approved pursuant to approved relative placement rules
6 previously promulgated by the Department at 89 Ill. Adm. Code
7 335 and had submitted an application for licensure as a foster
8 family home may continue to receive foster care payments only
9 until the Department determines that they may be licensed as a
10 foster family home or that their application for licensure is
11 denied or until September 30, 1995, whichever occurs first.

12 (v) The Department shall access criminal history record
13 information as defined in the Illinois Uniform Conviction
14 Information Act and information maintained in the adjudicatory
15 and dispositional record system as defined in Section 2605-355
16 of the Department of State Police Law (20 ILCS 2605/2605-355)
17 if the Department determines the information is necessary to
18 perform its duties under the Abused and Neglected Child
19 Reporting Act, the Child Care Act of 1969, and the Children and
20 Family Services Act. The Department shall provide for
21 interactive computerized communication and processing
22 equipment that permits direct on-line communication with the
23 Department of State Police's central criminal history data
24 repository. The Department shall comply with all certification
25 requirements and provide certified operators who have been
26 trained by personnel from the Department of State Police. In

1 addition, one Office of the Inspector General investigator
2 shall have training in the use of the criminal history
3 information access system and have access to the terminal. The
4 Department of Children and Family Services and its employees
5 shall abide by rules and regulations established by the
6 Department of State Police relating to the access and
7 dissemination of this information.

8 (v-1) Prior to final approval for placement of a child, the
9 Department shall conduct a criminal records background check of
10 the prospective foster or adoptive parent, including
11 fingerprint-based checks of national crime information
12 databases. Final approval for placement shall not be granted if
13 the record check reveals a felony conviction for child abuse or
14 neglect, for spousal abuse, for a crime against children, or
15 for a crime involving violence, including rape, sexual assault,
16 or homicide, but not including other physical assault or
17 battery, or if there is a felony conviction for physical
18 assault, battery, or a drug-related offense committed within
19 the past 5 years.

20 (v-2) Prior to final approval for placement of a child, the
21 Department shall check its child abuse and neglect registry for
22 information concerning prospective foster and adoptive
23 parents, and any adult living in the home. If any prospective
24 foster or adoptive parent or other adult living in the home has
25 resided in another state in the preceding 5 years, the
26 Department shall request a check of that other state's child

1 abuse and neglect registry.

2 (w) Within 120 days of August 20, 1995 (the effective date
3 of Public Act 89-392), the Department shall prepare and submit
4 to the Governor and the General Assembly, a written plan for
5 the development of in-state licensed secure child care
6 facilities that care for children who are in need of secure
7 living arrangements for their health, safety, and well-being.
8 For purposes of this subsection, secure care facility shall
9 mean a facility that is designed and operated to ensure that
10 all entrances and exits from the facility, a building or a
11 distinct part of the building, are under the exclusive control
12 of the staff of the facility, whether or not the child has the
13 freedom of movement within the perimeter of the facility,
14 building, or distinct part of the building. The plan shall
15 include descriptions of the types of facilities that are needed
16 in Illinois; the cost of developing these secure care
17 facilities; the estimated number of placements; the potential
18 cost savings resulting from the movement of children currently
19 out-of-state who are projected to be returned to Illinois; the
20 necessary geographic distribution of these facilities in
21 Illinois; and a proposed timetable for development of such
22 facilities.

23 (x) The Department shall conduct annual credit history
24 checks to determine the financial history of children placed
25 under its guardianship pursuant to the Juvenile Court Act of
26 1987. The Department shall conduct such credit checks starting

1 when a youth in care turns 12 years old and each year
2 thereafter for the duration of the guardianship as terminated
3 pursuant to the Juvenile Court Act of 1987. The Department
4 shall determine if financial exploitation of the child's
5 personal information has occurred. If financial exploitation
6 appears to have taken place or is presently ongoing, the
7 Department shall notify the proper law enforcement agency, the
8 proper State's Attorney, or the Attorney General.

9 (y) Beginning on July 22, 2010 (the effective date of
10 Public Act 96-1189), a child with a disability who receives
11 residential and educational services from the Department shall
12 be eligible to receive transition services in accordance with
13 Article 14 of the School Code from the age of 14.5 through age
14 21, inclusive, notwithstanding the child's residential
15 services arrangement. For purposes of this subsection, "child
16 with a disability" means a child with a disability as defined
17 by the federal Individuals with Disabilities Education
18 Improvement Act of 2004.

19 (z) The Department shall access criminal history record
20 information as defined as "background information" in this
21 subsection and criminal history record information as defined
22 in the Illinois Uniform Conviction Information Act for each
23 Department employee or Department applicant. Each Department
24 employee or Department applicant shall submit his or her
25 fingerprints to the Department of State Police in the form and
26 manner prescribed by the Department of State Police. These

1 fingerprints shall be checked against the fingerprint records
2 now and hereafter filed in the Department of State Police and
3 the Federal Bureau of Investigation criminal history records
4 databases. The Department of State Police shall charge a fee
5 for conducting the criminal history record check, which shall
6 be deposited into the State Police Services Fund and shall not
7 exceed the actual cost of the record check. The Department of
8 State Police shall furnish, pursuant to positive
9 identification, all Illinois conviction information to the
10 Department of Children and Family Services.

11 For purposes of this subsection:

12 "Background information" means all of the following:

13 (i) Upon the request of the Department of Children and
14 Family Services, conviction information obtained from the
15 Department of State Police as a result of a
16 fingerprint-based criminal history records check of the
17 Illinois criminal history records database and the Federal
18 Bureau of Investigation criminal history records database
19 concerning a Department employee or Department applicant.

20 (ii) Information obtained by the Department of
21 Children and Family Services after performing a check of
22 the Department of State Police's Sex Offender Database, as
23 authorized by Section 120 of the Sex Offender Community
24 Notification Law, concerning a Department employee or
25 Department applicant.

26 (iii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Child Abuse and Neglect Tracking System (CANTS)
3 operated and maintained by the Department.

4 "Department employee" means a full-time or temporary
5 employee coded or certified within the State of Illinois
6 Personnel System.

7 "Department applicant" means an individual who has
8 conditional Department full-time or part-time work, a
9 contractor, an individual used to replace or supplement staff,
10 an academic intern, a volunteer in Department offices or on
11 Department contracts, a work-study student, an individual or
12 entity licensed by the Department, or an unlicensed service
13 provider who works as a condition of a contract or an agreement
14 and whose work may bring the unlicensed service provider into
15 contact with Department clients or client records.

16 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
17 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
18 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
19 eff. 7-12-19; revised 8-1-19.)

20 (20 ILCS 505/42)

21 Sec. 42. Foster care survey. The Department, in
22 coordination with the Foster Care Alumni of America Illinois
23 Chapter, the School of Social Work at the University of
24 Illinois at Urbana-Champaign, and the Department's Statewide
25 Youth Advisory Board, shall develop and process a standardized

1 survey to gather feedback from children who are aging out of
2 foster care and from children who have transitioned out of the
3 foster care system. The survey shall include requests for
4 information regarding the children's experience with and
5 opinion of State foster care services, the children's
6 recommendations for improvement of such services, the amount of
7 time the children spent in the foster care system, and any
8 other information deemed relevant by the Department. After the
9 survey is created the Department shall circulate the survey to
10 all youth participating in transitional living programs,
11 independent living programs, or Youth in College and to all
12 youth receiving scholarships or tuition waivers under the DCFS
13 Scholarship Program. The Department shall conduct the survey
14 every 5 years. At the completion of each survey, the
15 Department, in coordination with the Foster Care Alumni of
16 America Illinois Chapter, the School of Social Work at the
17 University of Illinois at Urbana-Champaign, and the
18 Department's Statewide Youth Advisory Board, shall submit a
19 report with a detailed review of the survey results to the
20 Governor and the General Assembly. The first report shall be
21 submitted no later than December 1, 2021 and every 5 years
22 thereafter.

23 (Source: P.A. 101-166, eff. 1-1-20.)

24 (20 ILCS 505/43)

25 Sec. 43 ~~42~~. Intergovernmental agreement; transitioning

1 youth in care.

2 (a) In order to intercept and divert youth in care from
3 experiencing homelessness, incarceration, unemployment, and
4 other similar outcomes, within 180 days after July 26, 2019
5 (the effective date of Public Act 101-167) ~~this amendatory Act~~
6 ~~of the 101st General Assembly~~, the Department of Children and
7 Family Services, the Department of Human Services, the
8 Department of Healthcare and Family Services, the Illinois
9 State Board of Education, the Department of Juvenile Justice,
10 the Department of Corrections, the Illinois Urban Development
11 Authority, and the Department of Public Health shall enter into
12 an interagency agreement for the purpose of providing
13 preventive services to youth in care and young adults who are
14 aging out of or have recently aged out of the custody or
15 guardianship of the Department of Children and Family Services.

16 (b) The intergovernmental agreement shall require the
17 agencies listed in subsection (a) to: (i) establish an
18 interagency liaison to review cases of youth in care and young
19 adults who are at risk of homelessness, incarceration, or other
20 similar outcomes; and (ii) connect such youth in care and young
21 adults to the appropriate supportive services and treatment
22 programs to stabilize them during their transition out of State
23 care. Under the interagency agreement, the agencies listed in
24 subsection (a) shall determine how best to provide the
25 following supportive services to youth in care and young adults
26 who are at risk of homelessness, incarceration, or other

1 similar outcomes:

2 (1) Housing support.

3 (2) Educational support.

4 (3) Employment support.

5 (c) On January 1, 2021, and each January 1 thereafter, the
6 agencies listed in subsection (a) shall submit a report to the
7 General Assembly on the following:

8 (1) The number of youth in care and young adults who
9 were intercepted during the reporting period and the
10 supportive services and treatment programs they were
11 connected with to prevent homelessness, incarnation, or
12 other negative outcomes.

13 (2) The duration of the services the youth in care and
14 young adults received in order to stabilize them during
15 their transition out of State care.

16 (d) Outcomes and data reported annually to the General
17 Assembly. On January 1, 2021 and each January 1 thereafter, the
18 Department of Children and Family Services shall submit a
19 report to the General Assembly on the following:

20 (1) The number of youth in care and young adults who
21 are aging out or have aged out of State care during the
22 reporting period.

23 (2) The length and type of services that were offered
24 to the youth in care and young adults reported under
25 paragraph (1) and the status of those youth in care and
26 young adults.

1 (Source: P.A. 101-167, eff. 7-26-19; revised 9-17-19.)

2 Section 90. The Statewide Foster Care Advisory Council Law
3 is amended by changing Section 5-20 as follows:

4 (20 ILCS 525/5-20)

5 Sec. 5-20. Meetings.

6 (a) Regular meetings of the Statewide Foster Care Advisory
7 Council shall be held at least quarterly. The meetings shall
8 take place at locations, dates, and times determined by the
9 Chairperson of the Advisory Council after consultation with
10 members of the Advisory Council and the Director or the
11 designated Department staff member.

12 It shall be the responsibility of the designated Department
13 staff member at the direction of the Chairperson to give
14 notices of the location, dates, and time of meetings to each
15 member of the Advisory Council, to the Director, and to staff
16 consultants at least 30 days prior to each meeting.

17 Notice of all scheduled meetings shall be in full
18 compliance with the ~~Illinois~~ Open Meetings Act.

19 (b) Special meetings of the Advisory Council may be called
20 by the Chairperson after consultation with members of the
21 Council and the Director or the designated Department staff
22 member, provided that:

23 (1) at least 7 days' notice by mail is given the
24 membership;

1 (2) the notice sets forth the purpose or purposes of
2 the meeting; and

3 (3) no business is transacted other than that specified
4 in the notice.

5 (c) An agenda of scheduled business for deliberation shall
6 be developed in coordination with the Department and the
7 Chairperson and distributed to the members of the Advisory
8 Council at least 7 days prior to a scheduled meeting of the
9 Council.

10 (d) If a member is absent from 2 consecutive meetings or
11 has not continued to make a significant contribution as
12 evidenced by involvement in council activities, membership
13 termination may be recommended by the Chairperson to the
14 Director. The member shall be terminated and notified in
15 writing. Members shall submit written confirmation of good
16 cause to the Chairperson or designated Department staff member
17 when a meeting has been missed.

18 (Source: P.A. 89-19, eff. 6-3-95; revised 7-12-19.)

19 Section 95. The Department of Commerce and Economic
20 Opportunity Law of the Civil Administrative Code of Illinois is
21 amended by renumbering and changing Section 913 and by setting
22 forth and renumbering multiple versions of Section 605-1025 as
23 follows:

24 (20 ILCS 605/605-913)

1 Sec. 605-913 ~~913~~. Clean Water Workforce Pipeline Program.

2 (a) The General Assembly finds the following:

3 (1) The fresh surface water and groundwater supply in
4 Illinois and Lake Michigan constitute vital natural
5 resources that require careful stewardship and protection
6 for future generations. Access to safe and clean drinking
7 water is the right of all Illinois residents.

8 (2) To adequately protect these resources and provide
9 safe and clean drinking water, substantial investment is
10 needed to replace lead components in drinking water
11 infrastructure, improve wastewater treatment, flood
12 control, and stormwater management, control aquatic
13 invasive species, implement green infrastructure
14 solutions, and implement other infrastructure solutions to
15 protect water quality.

16 (3) Implementing these clean water solutions will
17 require a skilled and trained workforce, and new
18 investments will demand additional workers with
19 specialized skills.

20 (4) Water infrastructure jobs have been shown to
21 provide living wages and contribute to Illinois' economy.

22 (5) Significant populations of Illinois residents,
23 including, but not limited to, residents of environmental
24 justice communities, economically and socially
25 disadvantaged communities, those returning from the
26 criminal justice system, foster care alumni, and in

1 particular women and transgender persons, are in need of
2 access to skilled living wage jobs like those in the water
3 infrastructure sector.

4 (6) Many of these residents are more likely to live in
5 communities with aging and inadequate clean water
6 infrastructure and suffer from threats to surface and
7 drinking water quality.

8 (7) The State can provide significant economic
9 opportunities to these residents and achieve greater
10 environmental and public health by investing in clean water
11 infrastructure.

12 (8) New training, recruitment, support, and placement
13 efforts are needed to connect these residents with career
14 opportunities in water infrastructure.

15 (9) The State must invest in both clean water
16 infrastructure and workforce development efforts in order
17 to achieve these goals.

18 (b) From appropriations made from the Build Illinois Bond
19 Fund, Capital Development Fund, or General Revenue Fund or
20 other funds as identified by the Department, the Department
21 shall create a Clean Water Workforce Pipeline Program to
22 provide grants and other financial assistance to prepare and
23 support individuals for careers in water infrastructure. All
24 funding provided by the Program under this Section shall be
25 designed to encourage and facilitate employment in projects
26 funded through State capital investment and provide

1 participants a skill set to allow them to work professionally
2 in fields related to water infrastructure.

3 Grants and other financial assistance may be made available
4 on a competitive annual basis to organizations that demonstrate
5 a capacity to recruit, support, train, and place individuals in
6 water infrastructure careers, including, but not limited to,
7 community organizations, educational institutions, workforce
8 investment boards, community action agencies, and multi-craft
9 labor organizations for new efforts specifically focused on
10 engaging residents of environmental justice communities,
11 economically and socially disadvantaged communities, those
12 returning from the criminal justice system, foster care alumni,
13 and in particular women and transgender persons in these
14 populations.

15 Grants and other financial assistance shall be awarded on a
16 competitive and annual basis for the following activities:

17 (1) identification of individuals for job training in
18 the water sector;

19 (2) counseling, preparation, skills training, and
20 other support to increase a candidate's likelihood of
21 success in a job training program and career;

22 (3) financial support for individuals in a water sector
23 job skills training program, support services, and
24 transportation assistance tied to training under this
25 Section;

26 (4) job placement services for individuals during and

1 after completion of water sector job skills training
2 programs; and

3 (5) financial, administrative, and management
4 assistance for organizations engaged in these activities.

5 (c) It shall be an annual goal of the Program to train and
6 place at least 300, or 25% of the number of annual jobs created
7 by State financed water infrastructure projects, whichever is
8 greater, of the following persons in water sector-related
9 apprenticeships annually: residents of environmental justice
10 communities; residents of economically and socially
11 disadvantaged communities; those returning from the criminal
12 justice system; foster care alumni; and, in particular, women
13 and transgender persons. In awarding and administering grants
14 under this Program, the Department shall strive to provide
15 assistance equitably throughout the State.

16 In order to encourage the employment of individuals trained
17 through the Program onto projects receiving State financial
18 assistance, the Department shall coordinate with the Illinois
19 Environmental Protection Agency, the Illinois Finance
20 Authority, and other State agencies that provide financial
21 support for water infrastructure projects. These agencies
22 shall take steps to support attaining the training and
23 placement goals set forth in this subsection, using a list of
24 projects that receive State financial support. These agencies
25 may propose and adopt rules to facilitate the attainment of
26 this goal.

1 Using funds appropriated for the purposes of this Section,
2 the Department may select through a competitive bidding process
3 a Program Administrator to oversee the allocation of funds and
4 select organizations that receive funding.

5 Recipients of grants under the Program shall report
6 annually to the Department on the success of their efforts and
7 their contribution to reaching the goals of the Program
8 provided in this subsection. The Department shall compile this
9 information and annually report to the General Assembly on the
10 Program, including, but not limited to, the following
11 information:

12 (1) progress toward the goals stated in this
13 subsection;

14 (2) any increase in the percentage of water industry
15 jobs in targeted populations;

16 (3) any increase in the rate of acceptance, completion,
17 or retention of water training programs among targeted
18 populations;

19 (4) any increase in the rate of employment, including
20 hours and annual income, measured against pre-Program
21 participant income; and

22 (5) any recommendations for future changes to optimize
23 the success of the Program.

24 (d) Within 90 days after January 1, 2020 (the effective
25 date of Public Act 101-576) ~~this amendatory Act of the 101st~~
26 ~~General Assembly~~, the Department shall propose a draft plan to

1 implement this Section for public comment. The Department shall
2 allow a minimum of 60 days for public comment on the plan,
3 including one or more public hearings, if requested. The
4 Department shall finalize the plan within 180 days of January
5 1, 2020 (the effective date of Public Act 101-576) ~~this~~
6 ~~amendatory Act of the 101st General Assembly.~~

7 The Department may propose and adopt any rules necessary
8 for the implementation of the Program and to ensure compliance
9 with this Section.

10 (e) The Water Workforce Development Fund is created as a
11 special fund in the State treasury. The Fund shall receive
12 moneys appropriated for the purpose of this Section from the
13 Build Illinois Bond Fund, the Capital Development Fund, the
14 General Revenue Fund and any other funds. Moneys in the Fund
15 shall only be used to fund the Program and to assist and enable
16 implementation of clean water infrastructure capital
17 investments. Notwithstanding any other law to the contrary, the
18 Water Workforce Development Fund is not subject to sweeps,
19 administrative charge-backs, or any other fiscal or budgetary
20 maneuver that would in any way transfer any amounts from the
21 Water Workforce Development Fund into any other fund of the
22 State.

23 (f) For purpose of this Section:

24 "Environmental justice community" has the meaning provided
25 in subsection (b) of Section 1-50 of the Illinois Power Agency
26 Act.

1 "Multi-craft labor organization" means a joint
2 labor-management apprenticeship program registered with and
3 approved by the United States Department of Labor's Office of
4 Apprenticeship or a labor organization that has an accredited
5 training program through the Higher Learning Commission or the
6 Illinois Community College Board.

7 "Organization" means a corporation, company, partnership,
8 association, society, order, labor organization, or individual
9 or aggregation of individuals.

10 (Source: P.A. 101-576, eff. 1-1-20; revised 11-21-19.)

11 (20 ILCS 605/605-1025)

12 Sec. 605-1025. Data center investment.

13 (a) The Department shall issue certificates of exemption
14 from the Retailers' Occupation Tax Act, the Use Tax Act, the
15 Service Use Tax Act, and the Service Occupation Tax Act, all
16 locally-imposed retailers' occupation taxes administered and
17 collected by the Department, the Chicago non-titled Use Tax,
18 and a credit certification against the taxes imposed under
19 subsections (a) and (b) of Section 201 of the Illinois Income
20 Tax Act to qualifying Illinois data centers.

21 (b) For taxable years beginning on or after January 1,
22 2019, the Department shall award credits against the taxes
23 imposed under subsections (a) and (b) of Section 201 of the
24 Illinois Income Tax Act as provided in Section 229 of the
25 Illinois Income Tax Act.

1 (c) For purposes of this Section:

2 "Data center" means a facility: (1) whose primary
3 services are the storage, management, and processing of
4 digital data; and (2) that is used to house (i) computer
5 and network systems, including associated components such
6 as servers, network equipment and appliances,
7 telecommunications, and data storage systems, (ii) systems
8 for monitoring and managing infrastructure performance,
9 (iii) Internet-related equipment and services, (iv) data
10 communications connections, (v) environmental controls,
11 (vi) fire protection systems, and (vii) security systems
12 and services.

13 "Qualifying Illinois data center" means a new or
14 existing data center that:

15 (1) is located in the State of Illinois;

16 (2) in the case of an existing data center, made a
17 capital investment of at least \$250,000,000
18 collectively by the data center operator and the
19 tenants of the data center over the 60-month period
20 immediately prior to January 1, 2020 or committed to
21 make a capital investment of at least \$250,000,000 over
22 a 60-month period commencing before January 1, 2020 and
23 ending after January 1, 2020; or

24 (3) in the case of a new data center, or an
25 existing data center making an upgrade, makes a capital
26 investment of at least \$250,000,000 over a 60-month

1 period beginning on or after January 1, 2020; and

2 (4) in the case of both existing and new data
3 centers, results in the creation of at least 20
4 full-time or full-time equivalent new jobs over a
5 period of 60 months by the data center operator and the
6 tenants of the data center, collectively, associated
7 with the operation or maintenance of the data center;
8 those jobs must have a total compensation equal to or
9 greater than 120% of the average wage paid to full-time
10 employees in the county where the data center is
11 located, as determined by the U.S. Bureau of Labor
12 Statistics; and

13 (5) within 90 days after being placed in service,
14 certifies to the Department that it is carbon neutral
15 or has attained certification under one or more of the
16 following green building standards:

17 (A) BREEAM for New Construction or BREEAM
18 In-Use;

19 (B) ENERGY STAR;

20 (C) Envision;

21 (D) ISO 50001-energy management;

22 (E) LEED for Building Design and Construction
23 or LEED for Operations and Maintenance;

24 (F) Green Globes for New Construction or Green
25 Globes for Existing Buildings;

26 (G) UL 3223; or

1 (H) an equivalent program approved by the
2 Department of Commerce and Economic Opportunity.

3 "Full-time equivalent job" means a job in which the new
4 employee works for the owner, operator, contractor, or
5 tenant of a data center or for a corporation under contract
6 with the owner, operator or tenant of a data center at a
7 rate of at least 35 hours per week. An owner, operator or
8 tenant who employs labor or services at a specific site or
9 facility under contract with another may declare one
10 full-time, permanent job for every 1,820 man hours worked
11 per year under that contract. Vacations, paid holidays, and
12 sick time are included in this computation. Overtime is not
13 considered a part of regular hours.

14 "Qualified tangible personal property" means:
15 electrical systems and equipment; climate control and
16 chilling equipment and systems; mechanical systems and
17 equipment; monitoring and secure systems; emergency
18 generators; hardware; computers; servers; data storage
19 devices; network connectivity equipment; racks; cabinets;
20 telecommunications cabling infrastructure; raised floor
21 systems; peripheral components or systems; software;
22 mechanical, electrical, or plumbing systems; battery
23 systems; cooling systems and towers; temperature control
24 systems; other cabling; and other data center
25 infrastructure equipment and systems necessary to operate
26 qualified tangible personal property, including fixtures;

1 and component parts of any of the foregoing, including
2 installation, maintenance, repair, refurbishment, and
3 replacement of qualified tangible personal property to
4 generate, transform, transmit, distribute, or manage
5 electricity necessary to operate qualified tangible
6 personal property; and all other tangible personal
7 property that is essential to the operations of a computer
8 data center. "Qualified tangible personal property" also
9 includes building materials physically incorporated in to
10 the qualifying data center.

11 To document the exemption allowed under this Section, the
12 retailer must obtain from the purchaser a copy of the
13 certificate of eligibility issued by the Department.

14 (d) New and existing data centers seeking a certificate of
15 exemption for new or existing facilities shall apply to the
16 Department in the manner specified by the Department. The
17 Department shall determine the duration of the certificate of
18 exemption awarded under this Act. The duration of the
19 certificate of exemption may not exceed 20 calendar years. The
20 Department and any data center seeking the exemption, including
21 a data center operator on behalf of itself and its tenants,
22 must enter into a memorandum of understanding that at a minimum
23 provides:

24 (1) the details for determining the amount of capital
25 investment to be made;

26 (2) the number of new jobs created;

1 (3) the timeline for achieving the capital investment
2 and new job goals;

3 (4) the repayment obligation should those goals not be
4 achieved and any conditions under which repayment by the
5 qualifying data center or data center tenant claiming the
6 exemption will be required;

7 (5) the duration of the exemption; and

8 (6) other provisions as deemed necessary by the
9 Department.

10 (e) Beginning July 1, 2021, and each year thereafter, the
11 Department shall annually report to the Governor and the
12 General Assembly on the outcomes and effectiveness of Public
13 Act 101-31 that shall include the following:

14 (1) the name of each recipient business;

15 (2) the location of the project;

16 (3) the estimated value of the credit;

17 (4) the number of new jobs and, if applicable, retained
18 jobs pledged as a result of the project; and

19 (5) whether or not the project is located in an
20 underserved area.

21 (f) New and existing data centers seeking a certificate of
22 exemption related to the rehabilitation or construction of data
23 centers in the State shall require the contractor and all
24 subcontractors to comply with the requirements of Section 30-22
25 of the Illinois Procurement Code as they apply to responsible
26 bidders and to present satisfactory evidence of that compliance

1 to the Department.

2 (g) New and existing data centers seeking a certificate of
3 exemption for the rehabilitation or construction of data
4 centers in the State shall require the contractor to enter into
5 a project labor agreement approved by the Department.

6 (h) Any qualifying data center issued a certificate of
7 exemption under this Section must annually report to the
8 Department the total data center tax benefits that are received
9 by the business. Reports are due no later than May 31 of each
10 year and shall cover the previous calendar year. The first
11 report is for the 2019 calendar year and is due no later than
12 May 31, 2020.

13 To the extent that a business issued a certificate of
14 exemption under this Section has obtained an Enterprise Zone
15 Building Materials Exemption Certificate or a High Impact
16 Business Building Materials Exemption Certificate, no
17 additional reporting for those building materials exemption
18 benefits is required under this Section.

19 Failure to file a report under this subsection (h) may
20 result in suspension or revocation of the certificate of
21 exemption. Factors to be considered in determining whether a
22 data center certificate of exemption shall be suspended or
23 revoked include, but are not limited to, prior compliance with
24 the reporting requirements, cooperation in discontinuing and
25 correcting violations, the extent of the violation, and whether
26 the violation was willful or inadvertent.

1 (i) The Department shall not issue any new certificates of
2 exemption under the provisions of this Section after July 1,
3 2029. This sunset shall not affect any existing certificates of
4 exemption in effect on July 1, 2029.

5 (j) The Department shall adopt rules to implement and
6 administer this Section.

7 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 12-13-19.)

8 (20 ILCS 605/605-1035)

9 Sec. 605-1035 ~~605-1025~~. Training in the Building Trades
10 Program.

11 (a) Subject to appropriation, the Department of Commerce
12 and Economic Opportunity may establish a Training in the
13 Building Trades Program to award grants to community-based
14 organizations for the purpose of establishing training
15 programs for persons who are 18 through 35 years of age and
16 have an interest in the building trades. Persons eligible to
17 participate in the Program shall include youth who have aged
18 out of foster care and have an interest in the building trades.
19 The Department of Children and Family Services, in consultation
20 with the Department of Commerce and Economic Opportunity, shall
21 identify and refer eligible youth to those community-based
22 organizations that receive grants under this Section. Under the
23 training programs, each participating person shall receive the
24 following:

25 (1) Formal training and education in the fundamentals

1 and core competencies in the person's chosen trade. Such
2 training and education shall be provided by a trained and
3 skilled tradesman or journeyman who is a member of a trade
4 union and who is paid the general prevailing rate of hourly
5 wages in the locality in which the work is to be performed.

6 (2) Hands-on experience to further develop the
7 person's building trade skills by participating in
8 community improvement projects involving the
9 rehabilitation of vacant and abandoned residential
10 property in economically depressed areas of the State.

11 Selected organizations shall also use the grant money to
12 establish an entrepreneurship program to provide eligible
13 persons with the capital and business management skills
14 necessary to successfully launch their own businesses as
15 contractors, subcontractors, real estate agents, or property
16 managers or as any other entrepreneurs in the building trades.
17 Eligibility under the entrepreneurship program shall be
18 restricted to persons who reside in one of the economically
19 depressed areas selected to receive community improvement
20 projects in accordance with this subsection and who have
21 obtained the requisite skill set for a particular building
22 trade after successfully completing a training program
23 established in accordance with this subsection. Grants
24 provided under this Section may also be used to purchase the
25 equipment and materials needed to rehabilitate any vacant and
26 abandoned residential property that is eligible for

1 acquisition as described in subsection (b).

2 (b) Property eligible for acquisition and rehabilitation
3 under the Training in the Building Trades Program.

4 (1) A community-based organization that is selected to
5 participate in the Training in the Building Trades Program
6 may enter into an agreement with a financial institution to
7 rehabilitate abandoned residential property in foreclosure
8 with the express condition that, after the rehabilitation
9 project is complete, the financial institution shall:

10 (A) sell the residential property for no less than
11 its fair market value; and

12 (B) use any proceeds from the sale to (i) reimburse
13 the community-based organization for all costs
14 associated with rehabilitating the property and (ii)
15 make satisfactory payment for any other claims against
16 the property. Any remaining sale proceeds of the
17 residential property shall be retained by the
18 financial institution.

19 (2) (A) A unit of local government may enact an
20 ordinance that permits the acquisition and rehabilitation
21 of abandoned residential property under the Training in the
22 Building Trades Program. Under the ordinance, any owner of
23 residential property that has been abandoned for at least 3
24 years shall be notified that the abandoned property is
25 subject to acquisition and rehabilitation under the
26 Program and that if the owner does not respond to the

1 notice within the time period prescribed by the unit of
2 local government, the owner shall lose all right, title,
3 and interest in the property. Such notice shall be given as
4 follows:

5 (i) by mailing a copy of the notice by certified
6 mail to the owner's last known mailing address;

7 (ii) by publication in a newspaper published in the
8 municipality or county where the property is located;
9 and

10 (iii) by recording the notice with the office of
11 the recorder of the county in which the property is
12 located.

13 (B) If the owner responds to the notice within the time
14 period prescribed by the unit of local government, the
15 owner shall be given the option to either bring the
16 property into compliance with all applicable fire,
17 housing, and building codes within 6 months or enter into
18 an agreement with a community-based organization under the
19 Program to rehabilitate the residential property. If the
20 owner chooses to enter into an agreement with a
21 community-based organization to rehabilitate the
22 residential property, such agreement shall be made with the
23 express condition that, after the rehabilitation project
24 is complete, the owner shall:

25 (i) sell the residential property for no less than
26 its fair market value; and

1 (ii) use any proceeds from the sale to (a)
2 reimburse the community-based organization for all
3 costs associated with rehabilitating the property and
4 (b) make satisfactory payment for any other claims
5 against the property. Any remaining sale proceeds of
6 the residential property shall be distributed as
7 follows:

8 (I) 20% shall be distributed to the owner.

9 (II) 80% shall be deposited into the Training
10 in the Building Trades Fund created under
11 subsection (e).

12 (c) The Department of Commerce and Economic Opportunity
13 shall select from each of the following geographical regions of
14 the State a community-based organization with experience
15 working with the building trades:

16 (1) Central Illinois.

17 (2) Northeastern Illinois.

18 (3) Southern (Metro-East) Illinois.

19 (4) Southern Illinois.

20 (5) Western Illinois.

21 (d) Grants awarded under this Section shall be funded
22 through appropriations from the Training in the Building Trades
23 Fund created under subsection (e). The Department of Commerce
24 and Economic Opportunity may adopt any rules necessary to
25 implement the provisions of this Section.

26 (e) The Training in the Building Trades Fund is created as

1 a special fund in the State treasury. The Fund shall consist of
2 any moneys deposited into the Fund as provided in subparagraph
3 (B) of paragraph (2) of subsection (b) and any moneys
4 appropriated to the Department of Commerce and Economic
5 Opportunity for the Training in the Building Trades Program.
6 Moneys in the Fund shall be expended for the Training in the
7 Building Trades Program under subsection (a) and for no other
8 purpose. All interest earned on moneys in the Fund shall be
9 deposited into the Fund.

10 (Source: P.A. 101-469, eff. 1-1-20; revised 10-18-19.)

11 (20 ILCS 605/605-1040)

12 Sec. 605-1040 ~~605-1025~~. Assessment of marketing programs.
13 The Department shall, in consultation with the General
14 Assembly, complete an assessment of its current practices
15 related to marketing programs administered by the Department
16 and the extent to which the Department assists Illinois
17 residents in the use and coordination of programs offered by
18 the Department. That assessment shall be completed by December
19 31, 2019.

20 Upon review of the assessment, if the Department, in
21 consultation with the General Assembly, concludes that a
22 Citizens Services Coordinator is needed to assist Illinois
23 residents in obtaining services and programs offered by the
24 Department, then the Department may, subject to appropriation,
25 hire an individual to serve as a Citizens Services Coordinator.

1 The Citizens Services Coordinator shall assist Illinois
2 residents seeking out and obtaining services and programs
3 offered by the Department and shall monitor resident inquiries
4 to determine which services are most in demand on a regional
5 basis.

6 (Source: P.A. 101-497, eff. 1-1-20; revised 10-18-19.)

7 Section 100. The Illinois Enterprise Zone Act is amended by
8 changing Sections 5.5 and 13 as follows:

9 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

10 Sec. 5.5. High Impact Business.

11 (a) In order to respond to unique opportunities to assist
12 in the encouragement, development, growth, and expansion of the
13 private sector through large scale investment and development
14 projects, the Department is authorized to receive and approve
15 applications for the designation of "High Impact Businesses" in
16 Illinois subject to the following conditions:

17 (1) such applications may be submitted at any time
18 during the year;

19 (2) such business is not located, at the time of
20 designation, in an enterprise zone designated pursuant to
21 this Act;

22 (3) the business intends to do one or more of the
23 following:

24 (A) the business intends to make a minimum

1 investment of \$12,000,000 which will be placed in
2 service in qualified property and intends to create 500
3 full-time equivalent jobs at a designated location in
4 Illinois or intends to make a minimum investment of
5 \$30,000,000 which will be placed in service in
6 qualified property and intends to retain 1,500
7 full-time retained jobs at a designated location in
8 Illinois. The business must certify in writing that the
9 investments would not be placed in service in qualified
10 property and the job creation or job retention would
11 not occur without the tax credits and exemptions set
12 forth in subsection (b) of this Section. The terms
13 "placed in service" and "qualified property" have the
14 same meanings as described in subsection (h) of Section
15 201 of the Illinois Income Tax Act; or

16 (B) the business intends to establish a new
17 electric generating facility at a designated location
18 in Illinois. "New electric generating facility", for
19 purposes of this Section, means a newly-constructed
20 electric generation plant or a newly-constructed
21 generation capacity expansion at an existing electric
22 generation plant, including the transmission lines and
23 associated equipment that transfers electricity from
24 points of supply to points of delivery, and for which
25 such new foundation construction commenced not sooner
26 than July 1, 2001. Such facility shall be designed to

1 provide baseload electric generation and shall operate
2 on a continuous basis throughout the year; and (i)
3 shall have an aggregate rated generating capacity of at
4 least 1,000 megawatts for all new units at one site if
5 it uses natural gas as its primary fuel and foundation
6 construction of the facility is commenced on or before
7 December 31, 2004, or shall have an aggregate rated
8 generating capacity of at least 400 megawatts for all
9 new units at one site if it uses coal or gases derived
10 from coal as its primary fuel and shall support the
11 creation of at least 150 new Illinois coal mining jobs,
12 or (ii) shall be funded through a federal Department of
13 Energy grant before December 31, 2010 and shall support
14 the creation of Illinois coal-mining jobs, or (iii)
15 shall use coal gasification or integrated
16 gasification-combined cycle units that generate
17 electricity or chemicals, or both, and shall support
18 the creation of Illinois coal-mining jobs. The
19 business must certify in writing that the investments
20 necessary to establish a new electric generating
21 facility would not be placed in service and the job
22 creation in the case of a coal-fueled plant would not
23 occur without the tax credits and exemptions set forth
24 in subsection (b-5) of this Section. The term "placed
25 in service" has the same meaning as described in
26 subsection (h) of Section 201 of the Illinois Income

1 Tax Act; or

2 (B-5) the business intends to establish a new
3 gasification facility at a designated location in
4 Illinois. As used in this Section, "new gasification
5 facility" means a newly constructed coal gasification
6 facility that generates chemical feedstocks or
7 transportation fuels derived from coal (which may
8 include, but are not limited to, methane, methanol, and
9 nitrogen fertilizer), that supports the creation or
10 retention of Illinois coal-mining jobs, and that
11 qualifies for financial assistance from the Department
12 before December 31, 2010. A new gasification facility
13 does not include a pilot project located within
14 Jefferson County or within a county adjacent to
15 Jefferson County for synthetic natural gas from coal;
16 or

17 (C) the business intends to establish production
18 operations at a new coal mine, re-establish production
19 operations at a closed coal mine, or expand production
20 at an existing coal mine at a designated location in
21 Illinois not sooner than July 1, 2001; provided that
22 the production operations result in the creation of 150
23 new Illinois coal mining jobs as described in
24 subdivision (a)(3)(B) of this Section, and further
25 provided that the coal extracted from such mine is
26 utilized as the predominant source for a new electric

1 generating facility. The business must certify in
2 writing that the investments necessary to establish a
3 new, expanded, or reopened coal mine would not be
4 placed in service and the job creation would not occur
5 without the tax credits and exemptions set forth in
6 subsection (b-5) of this Section. The term "placed in
7 service" has the same meaning as described in
8 subsection (h) of Section 201 of the Illinois Income
9 Tax Act; or

10 (D) the business intends to construct new
11 transmission facilities or upgrade existing
12 transmission facilities at designated locations in
13 Illinois, for which construction commenced not sooner
14 than July 1, 2001. For the purposes of this Section,
15 "transmission facilities" means transmission lines
16 with a voltage rating of 115 kilovolts or above,
17 including associated equipment, that transfer
18 electricity from points of supply to points of delivery
19 and that transmit a majority of the electricity
20 generated by a new electric generating facility
21 designated as a High Impact Business in accordance with
22 this Section. The business must certify in writing that
23 the investments necessary to construct new
24 transmission facilities or upgrade existing
25 transmission facilities would not be placed in service
26 without the tax credits and exemptions set forth in

1 subsection (b-5) of this Section. The term "placed in
2 service" has the same meaning as described in
3 subsection (h) of Section 201 of the Illinois Income
4 Tax Act; or

5 (E) the business intends to establish a new wind
6 power facility at a designated location in Illinois.
7 For purposes of this Section, "new wind power facility"
8 means a newly constructed electric generation
9 facility, or a newly constructed expansion of an
10 existing electric generation facility, placed in
11 service on or after July 1, 2009, that generates
12 electricity using wind energy devices, and such
13 facility shall be deemed to include all associated
14 transmission lines, substations, and other equipment
15 related to the generation of electricity from wind
16 energy devices. For purposes of this Section, "wind
17 energy device" means any device, with a nameplate
18 capacity of at least 0.5 megawatts, that is used in the
19 process of converting kinetic energy from the wind to
20 generate electricity; or

21 (F) the business commits to (i) make a minimum
22 investment of \$500,000,000, which will be placed in
23 service in a qualified property, (ii) create 125
24 full-time equivalent jobs at a designated location in
25 Illinois, (iii) establish a fertilizer plant at a
26 designated location in Illinois that complies with the

1 set-back standards as described in Table 1: Initial
2 Isolation and Protective Action Distances in the 2012
3 Emergency Response Guidebook published by the United
4 States Department of Transportation, (iv) pay a
5 prevailing wage for employees at that location who are
6 engaged in construction activities, and (v) secure an
7 appropriate level of general liability insurance to
8 protect against catastrophic failure of the fertilizer
9 plant or any of its constituent systems; in addition,
10 the business must agree to enter into a construction
11 project labor agreement including provisions
12 establishing wages, benefits, and other compensation
13 for employees performing work under the project labor
14 agreement at that location; for the purposes of this
15 Section, "fertilizer plant" means a newly constructed
16 or upgraded plant utilizing gas used in the production
17 of anhydrous ammonia and downstream nitrogen
18 fertilizer products for resale; for the purposes of
19 this Section, "prevailing wage" means the hourly cash
20 wages plus fringe benefits for training and
21 apprenticeship programs approved by the U.S.
22 Department of Labor, Bureau of Apprenticeship and
23 Training, health and welfare, insurance, vacations and
24 pensions paid generally, in the locality in which the
25 work is being performed, to employees engaged in work
26 of a similar character on public works; this paragraph

1 (F) applies only to businesses that submit an
2 application to the Department within 60 days after July
3 25, 2013 (the effective date of Public Act 98-109) ~~this~~
4 ~~amendatory Act of the 98th General Assembly~~; and

5 (4) no later than 90 days after an application is
6 submitted, the Department shall notify the applicant of the
7 Department's determination of the qualification of the
8 proposed High Impact Business under this Section.

9 (b) Businesses designated as High Impact Businesses
10 pursuant to subdivision (a) (3) (A) of this Section shall qualify
11 for the credits and exemptions described in the following Acts:
12 Section 9-222 and Section 9-222.1A of the Public Utilities Act,
13 subsection (h) of Section 201 of the Illinois Income Tax Act,
14 and Section 1d of the Retailers' Occupation Tax Act; provided
15 that these credits and exemptions described in these Acts shall
16 not be authorized until the minimum investments set forth in
17 subdivision (a) (3) (A) of this Section have been placed in
18 service in qualified properties and, in the case of the
19 exemptions described in the Public Utilities Act and Section 1d
20 of the Retailers' Occupation Tax Act, the minimum full-time
21 equivalent jobs or full-time retained jobs set forth in
22 subdivision (a) (3) (A) of this Section have been created or
23 retained. Businesses designated as High Impact Businesses
24 under this Section shall also qualify for the exemption
25 described in Section 5l of the Retailers' Occupation Tax Act.
26 The credit provided in subsection (h) of Section 201 of the

1 Illinois Income Tax Act shall be applicable to investments in
2 qualified property as set forth in subdivision (a)(3)(A) of
3 this Section.

4 (b-5) Businesses designated as High Impact Businesses
5 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),
6 and (a)(3)(D) of this Section shall qualify for the credits and
7 exemptions described in the following Acts: Section 51 of the
8 Retailers' Occupation Tax Act, Section 9-222 and Section
9 9-222.1A of the Public Utilities Act, and subsection (h) of
10 Section 201 of the Illinois Income Tax Act; however, the
11 credits and exemptions authorized under Section 9-222 and
12 Section 9-222.1A of the Public Utilities Act, and subsection
13 (h) of Section 201 of the Illinois Income Tax Act shall not be
14 authorized until the new electric generating facility, the new
15 gasification facility, the new transmission facility, or the
16 new, expanded, or reopened coal mine is operational, except
17 that a new electric generating facility whose primary fuel
18 source is natural gas is eligible only for the exemption under
19 Section 51 of the Retailers' Occupation Tax Act.

20 (b-6) Businesses designated as High Impact Businesses
21 pursuant to subdivision (a)(3)(E) of this Section shall qualify
22 for the exemptions described in Section 51 of the Retailers'
23 Occupation Tax Act; any business so designated as a High Impact
24 Business being, for purposes of this Section, a "Wind Energy
25 Business".

26 (b-7) Beginning on January 1, 2021, businesses designated

1 as High Impact Businesses by the Department shall qualify for
2 the High Impact Business construction jobs credit under
3 subsection (h-5) of Section 201 of the Illinois Income Tax Act
4 if the business meets the criteria set forth in subsection (i)
5 of this Section. The total aggregate amount of credits awarded
6 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9
7 ~~this amendatory Act of the 101st General Assembly~~) shall not
8 exceed \$20,000,000 in any State fiscal year.

9 (c) High Impact Businesses located in federally designated
10 foreign trade zones or sub-zones are also eligible for
11 additional credits, exemptions and deductions as described in
12 the following Acts: Section 9-221 and Section 9-222.1 of the
13 Public Utilities Act; and subsection (g) of Section 201, and
14 Section 203 of the Illinois Income Tax Act.

15 (d) Except for businesses contemplated under subdivision
16 (a) (3) (E) of this Section, existing Illinois businesses which
17 apply for designation as a High Impact Business must provide
18 the Department with the prospective plan for which 1,500
19 full-time retained jobs would be eliminated in the event that
20 the business is not designated.

21 (e) Except for new wind power facilities contemplated under
22 subdivision (a) (3) (E) of this Section, new proposed facilities
23 which apply for designation as High Impact Business must
24 provide the Department with proof of alternative non-Illinois
25 sites which would receive the proposed investment and job
26 creation in the event that the business is not designated as a

1 High Impact Business.

2 (f) Except for businesses contemplated under subdivision
3 (a)(3)(E) of this Section, in the event that a business is
4 designated a High Impact Business and it is later determined
5 after reasonable notice and an opportunity for a hearing as
6 provided under the Illinois Administrative Procedure Act, that
7 the business would have placed in service in qualified property
8 the investments and created or retained the requisite number of
9 jobs without the benefits of the High Impact Business
10 designation, the Department shall be required to immediately
11 revoke the designation and notify the Director of the
12 Department of Revenue who shall begin proceedings to recover
13 all wrongfully exempted State taxes with interest. The business
14 shall also be ineligible for all State funded Department
15 programs for a period of 10 years.

16 (g) The Department shall revoke a High Impact Business
17 designation if the participating business fails to comply with
18 the terms and conditions of the designation. However, the
19 penalties for new wind power facilities or Wind Energy
20 Businesses for failure to comply with any of the terms or
21 conditions of the Illinois Prevailing Wage Act shall be only
22 those penalties identified in the Illinois Prevailing Wage Act,
23 and the Department shall not revoke a High Impact Business
24 designation as a result of the failure to comply with any of
25 the terms or conditions of the Illinois Prevailing Wage Act in
26 relation to a new wind power facility or a Wind Energy

1 Business.

2 (h) Prior to designating a business, the Department shall
3 provide the members of the General Assembly and Commission on
4 Government Forecasting and Accountability with a report
5 setting forth the terms and conditions of the designation and
6 guarantees that have been received by the Department in
7 relation to the proposed business being designated.

8 (i) High Impact Business construction jobs credit.
9 Beginning on January 1, 2021, a High Impact Business may
10 receive a tax credit against the tax imposed under subsections
11 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
12 amount equal to 50% of the amount of the incremental income tax
13 attributable to High Impact Business construction jobs credit
14 employees employed in the course of completing a High Impact
15 Business construction jobs project. However, the High Impact
16 Business construction jobs credit may equal 75% of the amount
17 of the incremental income tax attributable to High Impact
18 Business construction jobs credit employees if the High Impact
19 Business construction jobs credit project is located in an
20 underserved area.

21 The Department shall certify to the Department of Revenue:
22 (1) the identity of taxpayers that are eligible for the High
23 Impact Business construction jobs credit; and (2) the amount of
24 High Impact Business construction jobs credits that are claimed
25 pursuant to subsection (h-5) of Section 201 of the Illinois
26 Income Tax Act in each taxable year. Any business entity that

1 receives a High Impact Business construction jobs credit shall
2 maintain a certified payroll pursuant to subsection (j) of this
3 Section.

4 As used in this subsection (i):

5 "High Impact Business construction jobs credit" means an
6 amount equal to 50% (or 75% if the High Impact Business
7 construction project is located in an underserved area) of the
8 incremental income tax attributable to High Impact Business
9 construction job employees. The total aggregate amount of
10 credits awarded under the Blue Collar Jobs Act (Article 20 of
11 Public Act 101-9 ~~this amendatory Act of the 101st General~~
12 ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal year

13 "High Impact Business construction job employee" means a
14 laborer or worker who is employed by an Illinois contractor or
15 subcontractor in the actual construction work on the site of a
16 High Impact Business construction job project.

17 "High Impact Business construction jobs project" means
18 building a structure or building or making improvements of any
19 kind to real property, undertaken and commissioned by a
20 business that was designated as a High Impact Business by the
21 Department. The term "High Impact Business construction jobs
22 project" does not include the routine operation, routine
23 repair, or routine maintenance of existing structures,
24 buildings, or real property.

25 "Incremental income tax" means the total amount withheld
26 during the taxable year from the compensation of High Impact

1 Business construction job employees.

2 "Underserved area" means a geographic area that meets one
3 or more of the following conditions:

4 (1) the area has a poverty rate of at least 20%
5 according to the latest federal decennial census;

6 (2) 75% or more of the children in the area participate
7 in the federal free lunch program according to reported
8 statistics from the State Board of Education;

9 (3) at least 20% of the households in the area receive
10 assistance under the Supplemental Nutrition Assistance
11 Program (SNAP); or

12 (4) the area has an average unemployment rate, as
13 determined by the Illinois Department of Employment
14 Security, that is more than 120% of the national
15 unemployment average, as determined by the U.S. Department
16 of Labor, for a period of at least 2 consecutive calendar
17 years preceding the date of the application.

18 (j) Each contractor and subcontractor who is engaged in and
19 executing a High Impact Business Construction jobs project, as
20 defined under subsection (i) of this Section, for a business
21 that is entitled to a credit pursuant to subsection (i) of this
22 Section shall:

23 (1) make and keep, for a period of 5 years from the
24 date of the last payment made on or after June 5, 2019 (the
25 effective date of Public Act 101-9) ~~this amendatory Act of~~
26 ~~the 101st General Assembly~~ on a contract or subcontract for

1 a High Impact Business Construction Jobs Project, records
2 for all laborers and other workers employed by the
3 contractor or subcontractor on the project; the records
4 shall include:

5 (A) the worker's name;

6 (B) the worker's address;

7 (C) the worker's telephone number, if available;

8 (D) the worker's social security number;

9 (E) the worker's classification or
10 classifications;

11 (F) the worker's gross and net wages paid in each
12 pay period;

13 (G) the worker's number of hours worked each day;

14 (H) the worker's starting and ending times of work
15 each day;

16 (I) the worker's hourly wage rate; and

17 (J) the worker's hourly overtime wage rate;

18 (2) no later than the 15th day of each calendar month,
19 provide a certified payroll for the immediately preceding
20 month to the taxpayer in charge of the High Impact Business
21 construction jobs project; within 5 business days after
22 receiving the certified payroll, the taxpayer shall file
23 the certified payroll with the Department of Labor and the
24 Department of Commerce and Economic Opportunity; a
25 certified payroll must be filed for only those calendar
26 months during which construction on a High Impact Business

1 construction jobs project has occurred; the certified
2 payroll shall consist of a complete copy of the records
3 identified in paragraph (1) of this subsection (j), but may
4 exclude the starting and ending times of work each day; the
5 certified payroll shall be accompanied by a statement
6 signed by the contractor or subcontractor or an officer,
7 employee, or agent of the contractor or subcontractor which
8 avers that:

9 (A) he or she has examined the certified payroll
10 records required to be submitted by the Act and such
11 records are true and accurate; and

12 (B) the contractor or subcontractor is aware that
13 filing a certified payroll that he or she knows to be
14 false is a Class A misdemeanor.

15 A general contractor is not prohibited from relying on a
16 certified payroll of a lower-tier subcontractor, provided the
17 general contractor does not knowingly rely upon a
18 subcontractor's false certification.

19 Any contractor or subcontractor subject to this
20 subsection, and any officer, employee, or agent of such
21 contractor or subcontractor whose duty as an officer, employee,
22 or agent it is to file a certified payroll under this
23 subsection, who willfully fails to file such a certified
24 payroll on or before the date such certified payroll is
25 required by this paragraph to be filed and any person who
26 willfully files a false certified payroll that is false as to

1 any material fact is in violation of this Act and guilty of a
2 Class A misdemeanor.

3 The taxpayer in charge of the project shall keep the
4 records submitted in accordance with this subsection on or
5 after June 5, 2019 (the effective date of Public Act 101-9)
6 ~~this amendatory Act of the 101st General Assembly~~ for a period
7 of 5 years from the date of the last payment for work on a
8 contract or subcontract for the High Impact Business
9 construction jobs project.

10 The records submitted in accordance with this subsection
11 shall be considered public records, except an employee's
12 address, telephone number, and social security number, and made
13 available in accordance with the Freedom of Information Act.
14 The Department of Labor shall accept any reasonable submissions
15 by the contractor that meet the requirements of this subsection
16 (j) and shall share the information with the Department in
17 order to comply with the awarding of a High Impact Business
18 construction jobs credit. A contractor, subcontractor, or
19 public body may retain records required under this Section in
20 paper or electronic format.

21 (k) Upon 7 business days' notice, each contractor and
22 subcontractor shall make available for inspection and copying
23 at a location within this State during reasonable hours, the
24 records identified in this subsection (j) to the taxpayer in
25 charge of the High Impact Business construction jobs project,
26 its officers and agents, the Director of the Department of

1 Labor and his or her deputies and agents, and to federal,
2 State, or local law enforcement agencies and prosecutors.

3 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

4 (20 ILCS 655/13)

5 Sec. 13. Enterprise Zone construction jobs credit.

6 (a) Beginning on January 1, 2021, a business entity in a
7 certified Enterprise Zone that makes a capital investment of at
8 least \$10,000,000 in an Enterprise Zone construction jobs
9 project may receive an Enterprise Zone construction jobs credit
10 against the tax imposed under subsections (a) and (b) of
11 Section 201 of the Illinois Income Tax Act in an amount equal
12 to 50% of the amount of the incremental income tax attributable
13 to Enterprise Zone construction jobs credit employees employed
14 in the course of completing an Enterprise Zone construction
15 jobs project. However, the Enterprise Zone construction jobs
16 credit may equal 75% of the amount of the incremental income
17 tax attributable to Enterprise Zone construction jobs credit
18 employees if the project is located in an underserved area.

19 (b) A business entity seeking a credit under this Section
20 must submit an application to the Department and must receive
21 approval from the designating municipality or county and the
22 Department for the Enterprise Zone construction jobs credit
23 project. The application must describe the nature and benefit
24 of the project to the certified Enterprise Zone and its
25 potential contributors. The total aggregate amount of credits

1 awarded under the Blue Collar Jobs Act (Article 20 of Public
2 Act 101-9 ~~this amendatory Act of the 101st General Assembly~~)
3 shall not exceed \$20,000,000 in any State fiscal year.

4 Within 45 days after receipt of an application, the
5 Department shall give notice to the applicant as to whether the
6 application has been approved or disapproved. If the Department
7 disapproves the application, it shall specify the reasons for
8 this decision and allow 60 days for the applicant to amend and
9 resubmit its application. The Department shall provide
10 assistance upon request to applicants. Resubmitted
11 applications shall receive the Department's approval or
12 disapproval within 30 days after the application is
13 resubmitted. Those resubmitted applications satisfying initial
14 Department objectives shall be approved unless reasonable
15 circumstances warrant disapproval.

16 On an annual basis, the designated zone organization shall
17 furnish a statement to the Department on the programmatic and
18 financial status of any approved project and an audited
19 financial statement of the project.

20 The Department shall certify to the Department of Revenue
21 the identity of taxpayers who are eligible for the credits and
22 the amount of credits that are claimed pursuant to subparagraph
23 (8) of subsection (f) of Section 201 the Illinois Income Tax
24 Act.

25 The Enterprise Zone construction jobs credit project must
26 be undertaken by the business entity in the course of

1 completing a project that complies with the criteria contained
2 in Section 4 of this Act and is undertaken in a certified
3 Enterprise Zone. The Department shall adopt any necessary rules
4 for the implementation of this subsection (b).

5 (c) Any business entity that receives an Enterprise Zone
6 construction jobs credit shall maintain a certified payroll
7 pursuant to subsection (d) of this Section.

8 (d) Each contractor and subcontractor who is engaged in and
9 is executing an Enterprise Zone construction jobs credit
10 project for a business that is entitled to a credit pursuant to
11 this Section shall:

12 (1) make and keep, for a period of 5 years from the
13 date of the last payment made on or after June 5, 2019 (the
14 effective date of Public Act 101-9) ~~this amendatory Act of~~
15 ~~the 101st General Assembly~~ on a contract or subcontract for
16 an Enterprise Zone construction jobs credit project,
17 records for all laborers and other workers employed by them
18 on the project; the records shall include:

19 (A) the worker's name;

20 (B) the worker's address;

21 (C) the worker's telephone number, if available;

22 (D) the worker's social security number;

23 (E) the worker's classification or
24 classifications;

25 (F) the worker's gross and net wages paid in each
26 pay period;

1 (G) the worker's number of hours worked each day;
2 (H) the worker's starting and ending times of work
3 each day;

4 (I) the worker's hourly wage rate; and

5 (J) the worker's hourly overtime wage rate;

6 (2) no later than the 15th day of each calendar month,
7 provide a certified payroll for the immediately preceding
8 month to the taxpayer in charge of the project; within 5
9 business days after receiving the certified payroll, the
10 taxpayer shall file the certified payroll with the
11 Department of Labor and the Department of Commerce and
12 Economic Opportunity; a certified payroll must be filed for
13 only those calendar months during which construction on an
14 Enterprise Zone construction jobs project has occurred;
15 the certified payroll shall consist of a complete copy of
16 the records identified in paragraph (1) of this subsection
17 (d), but may exclude the starting and ending times of work
18 each day; the certified payroll shall be accompanied by a
19 statement signed by the contractor or subcontractor or an
20 officer, employee, or agent of the contractor or
21 subcontractor which avers that:

22 (A) he or she has examined the certified payroll
23 records required to be submitted by the Act and such
24 records are true and accurate; and

25 (B) the contractor or subcontractor is aware that
26 filing a certified payroll that he or she knows to be

1 false is a Class A misdemeanor.

2 A general contractor is not prohibited from relying on a
3 certified payroll of a lower-tier subcontractor, provided the
4 general contractor does not knowingly rely upon a
5 subcontractor's false certification.

6 Any contractor or subcontractor subject to this
7 subsection, and any officer, employee, or agent of such
8 contractor or subcontractor whose duty as an officer, employee,
9 or agent it is to file a certified payroll under this
10 subsection, who willfully fails to file such a certified
11 payroll on or before the date such certified payroll is
12 required by this paragraph to be filed and any person who
13 willfully files a false certified payroll that is false as to
14 any material fact is in violation of this Act and guilty of a
15 Class A misdemeanor.

16 The taxpayer in charge of the project shall keep the
17 records submitted in accordance with this subsection on or
18 after June 5, 2019 (the effective date of Public Act 101-9)
19 ~~this amendatory Act of the 101st General Assembly~~ for a period
20 of 5 years from the date of the last payment for work on a
21 contract or subcontract for the project.

22 The records submitted in accordance with this subsection
23 shall be considered public records, except an employee's
24 address, telephone number, and social security number, and made
25 available in accordance with the Freedom of Information Act.
26 The Department of Labor shall accept any reasonable submissions

1 by the contractor that meet the requirements of this subsection
2 and shall share the information with the Department in order to
3 comply with the awarding of Enterprise Zone construction jobs
4 credits. A contractor, subcontractor, or public body may retain
5 records required under this Section in paper or electronic
6 format.

7 Upon 7 business days' notice, the contractor and each
8 subcontractor shall make available for inspection and copying
9 at a location within this State during reasonable hours, the
10 records identified in paragraph (1) of this subsection to the
11 taxpayer in charge of the project, its officers and agents, the
12 Director of Labor and his or her deputies and agents, and to
13 federal, State, or local law enforcement agencies and
14 prosecutors.

15 (e) As used in this Section:

16 "Enterprise Zone construction jobs credit" means an amount
17 equal to 50% (or 75% if the project is located in an
18 underserved area) of the incremental income tax attributable to
19 Enterprise Zone construction jobs credit employees.

20 "Enterprise Zone construction jobs credit employee" means
21 a laborer or worker who is employed by an Illinois contractor
22 or subcontractor in the actual construction work on the site of
23 an Enterprise Zone construction jobs credit project.

24 "Enterprise Zone construction jobs credit project" means
25 building a structure or building or making improvements of any
26 kind to real property commissioned and paid for by a business

1 that has applied and been approved for an Enterprise Zone
2 construction jobs credit pursuant to this Section. "Enterprise
3 Zone construction jobs credit project" does not include the
4 routine operation, routine repair, or routine maintenance of
5 existing structures, buildings, or real property.

6 "Incremental income tax" means the total amount withheld
7 during the taxable year from the compensation of Enterprise
8 Zone construction jobs credit employees.

9 "Underserved area" means a geographic area that meets one
10 or more of the following conditions:

11 (1) the area has a poverty rate of at least 20%
12 according to the latest federal decennial census;

13 (2) 75% or more of the children in the area participate
14 in the federal free lunch program according to reported
15 statistics from the State Board of Education;

16 (3) at least 20% of the households in the area receive
17 assistance under the Supplemental Nutrition Assistance
18 Program (SNAP); or

19 (4) the area has an average unemployment rate, as
20 determined by the Illinois Department of Employment
21 Security, that is more than 120% of the national
22 unemployment average, as determined by the U.S. Department
23 of Labor, for a period of at least 2 consecutive calendar
24 years preceding the date of the application.

25 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

1 Section 105. The Lake Michigan Wind Energy Act is amended
2 by changing Section 20 as follows:

3 (20 ILCS 896/20)

4 Sec. 20. Offshore Wind Energy Economic Development Policy
5 Task Force.

6 (a) The Governor shall convene an Offshore Wind Energy
7 Economic Development Policy Task Force, to be chaired by the
8 Director of Commerce and Economic Opportunity, or his or her
9 designee, to analyze and evaluate policy and economic options
10 to facilitate the development of offshore wind energy, and to
11 propose an appropriate Illinois mechanism for purchasing and
12 selling power from possible offshore wind energy projects. The
13 Task Force shall examine mechanisms used in other states and
14 jurisdictions, including, without limitation, feed-in tariffs,
15 renewable energy certificates, renewable energy certificate
16 carve-outs, power purchase agreements, and pilot projects. The
17 Task Force shall report its findings and recommendations to the
18 Governor and General Assembly within 12 months of convening.

19 (b) The Director of the Illinois Power Agency (or his or
20 her designee), the Executive Director of the Illinois Commerce
21 Commission (or his or her designee), the Director of Natural
22 Resources (or his or her designee), and the Attorney General
23 (or his or her designee) shall serve as ex officio members of
24 the Task Force.

25 (c) The Governor shall appoint, within 90 days of August 9,

1 2019 (the effective date of Public Act 101-283) ~~this amendatory~~
2 ~~Act of the 101st General Assembly~~, the following public members
3 to serve on the Task Force:

4 (1) one individual from an institution of higher
5 education in Illinois representing the discipline of
6 economics with experience in the study of renewable energy;

7 (2) one individual representing an energy industry
8 with experience in renewable energy markets;

9 (3) one individual representing a Statewide consumer
10 or electric ratepayer organization;

11 (4) one individual representing the offshore wind
12 energy industry;

13 (5) one individual representing the wind energy supply
14 chain industry;

15 (6) one individual representing an Illinois electrical
16 cooperative, municipal electrical utility, or association
17 of such cooperatives or utilities;

18 (7) one individual representing an Illinois industrial
19 union involved in the construction, maintenance, or
20 transportation of electrical generation, distribution, or
21 transmission equipment or components;

22 (8) one individual representing an Illinois commercial
23 or industrial electrical consumer;

24 (9) one individual representing an Illinois public
25 education electrical consumer;

26 (10) one individual representing an independent

1 transmission company;

2 (11) one individual from the Illinois legal community
3 with experience in contracts, utility law, municipal law,
4 and constitutional law;

5 (12) one individual representing a Great Lakes
6 regional organization with experience assessing or
7 studying wind energy;

8 (13) one individual representing a Statewide
9 environmental organization;

10 (14) one resident of the State representing an
11 organization advocating for persons of low or limited
12 incomes;

13 (15) one individual representing Argonne National
14 Laboratory; and

15 (16) one individual representing a local community
16 that has aggregated the purchase of electricity.

17 (d) The Governor may appoint additional public members to
18 the Task Force.

19 (e) The Speaker of the House of Representatives, Minority
20 Leader of the House of Representatives, Senate President, and
21 Minority Leader of the Senate shall each appoint one member of
22 the General Assembly to serve on the Task Force.

23 (f) Members of the Task Force shall serve without
24 compensation.

25 (Source: P.A. 101-283, eff. 8-9-19; revised 11-21-19.)

1 Section 110. The Energy Policy and Planning Act is amended
2 by changing Section 4 as follows:

3 (20 ILCS 1120/4) (from Ch. 96 1/2, par. 7804)

4 Sec. 4. Authority. ~~(1)~~ The Department in addition to its
5 preparation of energy contingency plans, shall also analyze,
6 prepare, and recommend a comprehensive energy plan for the
7 State of Illinois.

8 The plan shall identify emerging trends related to energy
9 supply, demand, conservation, public health and safety
10 factors, and should specify the levels of statewide and service
11 area energy needs, past, present, and estimated future demand,
12 as well as the potential social, economic, or environmental
13 effects caused by the continuation of existing trends and by
14 the various alternatives available to the State. The plan shall
15 also conform to the requirements of Section 8-402 of the Public
16 Utilities Act. The Department shall design programs as
17 necessary to achieve the purposes of this Act and the planning
18 objectives of the ~~The~~ Public Utilities Act. The Department's
19 energy plan, and any programs designed pursuant to this Section
20 shall be filed with the Commission in accordance with the
21 Commission's planning responsibilities and hearing
22 requirements related thereto. The Department shall
23 periodically review the plan, objectives and programs at least
24 every 2 years, and the results of such review and any resulting
25 changes in the Department's plan or programs shall be filed

1 with the Commission.

2 The Department's plan and programs and any review thereof,
3 shall also be filed with the Governor, the General Assembly,
4 and the Public Counsel, and shall be available to the public
5 upon request.

6 The requirement for reporting to the General Assembly shall
7 be satisfied by filing copies of the report as required by
8 Section 3.1 of the General Assembly Organization Act, and
9 filing such additional copies with the State Government Report
10 Distribution Center for the General Assembly as is required
11 under paragraph (t) of Section 7 of the State Library Act.

12 (Source: P.A. 100-1148, eff. 12-10-18; revised 7-17-19.)

13 Section 115. The Illinois Lottery Law is amended by
14 changing Sections 2 and 9.1 as follows:

15 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

16 Sec. 2. This Act is enacted to implement and establish
17 within the State a lottery to be conducted by the State through
18 the Department. The entire net proceeds of the Lottery are to
19 be used for the support of the State's Common School Fund,
20 except as provided in subsection (o) of Section 9.1 and
21 Sections 21.5, 21.6, 21.7, 21.8, 21.9, 21.10, ~~and~~ 21.11, 21.12,
22 and 21.13. The General Assembly finds that it is in the public
23 interest for the Department to conduct the functions of the
24 Lottery with the assistance of a private manager under a

1 management agreement overseen by the Department. The
2 Department shall be accountable to the General Assembly and the
3 people of the State through a comprehensive system of
4 regulation, audits, reports, and enduring operational
5 oversight. The Department's ongoing conduct of the Lottery
6 through a management agreement with a private manager shall act
7 to promote and ensure the integrity, security, honesty, and
8 fairness of the Lottery's operation and administration. It is
9 the intent of the General Assembly that the Department shall
10 conduct the Lottery with the assistance of a private manager
11 under a management agreement at all times in a manner
12 consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1), 1953(b)(4).

13 Beginning with Fiscal Year 2018 and every year thereafter,
14 any moneys transferred from the State Lottery Fund to the
15 Common School Fund shall be supplemental to, and not in lieu
16 of, any other money due to be transferred to the Common School
17 Fund by law or appropriation.

18 (Source: P.A. 100-466, eff. 6-1-18; 100-647, eff. 7-30-18;
19 100-1068, eff. 8-24-18; 101-81, eff. 7-12-19; 101-561, eff.
20 8-23-19; revised 10-21-19.)

21 (20 ILCS 1605/9.1)

22 Sec. 9.1. Private manager and management agreement.

23 (a) As used in this Section:

24 "Offeror" means a person or group of persons that responds
25 to a request for qualifications under this Section.

1 "Request for qualifications" means all materials and
2 documents prepared by the Department to solicit the following
3 from offerors:

4 (1) Statements of qualifications.

5 (2) Proposals to enter into a management agreement,
6 including the identity of any prospective vendor or vendors
7 that the offeror intends to initially engage to assist the
8 offeror in performing its obligations under the management
9 agreement.

10 "Final offer" means the last proposal submitted by an
11 offeror in response to the request for qualifications,
12 including the identity of any prospective vendor or vendors
13 that the offeror intends to initially engage to assist the
14 offeror in performing its obligations under the management
15 agreement.

16 "Final offeror" means the offeror ultimately selected by
17 the Governor to be the private manager for the Lottery under
18 subsection (h) of this Section.

19 (b) By September 15, 2010, the Governor shall select a
20 private manager for the total management of the Lottery with
21 integrated functions, such as lottery game design, supply of
22 goods and services, and advertising and as specified in this
23 Section.

24 (c) Pursuant to the terms of this subsection, the
25 Department shall endeavor to expeditiously terminate the
26 existing contracts in support of the Lottery in effect on July

1 13, 2009 (the effective date of Public Act 96-37) ~~this~~
2 ~~amendatory Act of the 96th General Assembly~~ in connection with
3 the selection of the private manager. As part of its obligation
4 to terminate these contracts and select the private manager,
5 the Department shall establish a mutually agreeable timetable
6 to transfer the functions of existing contractors to the
7 private manager so that existing Lottery operations are not
8 materially diminished or impaired during the transition. To
9 that end, the Department shall do the following:

10 (1) where such contracts contain a provision
11 authorizing termination upon notice, the Department shall
12 provide notice of termination to occur upon the mutually
13 agreed timetable for transfer of functions;

14 (2) upon the expiration of any initial term or renewal
15 term of the current Lottery contracts, the Department shall
16 not renew such contract for a term extending beyond the
17 mutually agreed timetable for transfer of functions; or

18 (3) in the event any current contract provides for
19 termination of that contract upon the implementation of a
20 contract with the private manager, the Department shall
21 perform all necessary actions to terminate the contract on
22 the date that coincides with the mutually agreed timetable
23 for transfer of functions.

24 If the contracts to support the current operation of the
25 Lottery in effect on July 13, 2009 (the effective date of
26 Public Act 96-34) ~~this amendatory Act of the 96th General~~

1 ~~Assembly~~ are not subject to termination as provided for in this
2 subsection (c), then the Department may include a provision in
3 the contract with the private manager specifying a mutually
4 agreeable methodology for incorporation.

5 (c-5) The Department shall include provisions in the
6 management agreement whereby the private manager shall, for a
7 fee, and pursuant to a contract negotiated with the Department
8 (the "Employee Use Contract"), utilize the services of current
9 Department employees to assist in the administration and
10 operation of the Lottery. The Department shall be the employer
11 of all such bargaining unit employees assigned to perform such
12 work for the private manager, and such employees shall be State
13 employees, as defined by the Personnel Code. Department
14 employees shall operate under the same employment policies,
15 rules, regulations, and procedures, as other employees of the
16 Department. In addition, neither historical representation
17 rights under the Illinois Public Labor Relations Act, nor
18 existing collective bargaining agreements, shall be disturbed
19 by the management agreement with the private manager for the
20 management of the Lottery.

21 (d) The management agreement with the private manager shall
22 include all of the following:

23 (1) A term not to exceed 10 years, including any
24 renewals.

25 (2) A provision specifying that the Department:

26 (A) shall exercise actual control over all

1 significant business decisions;

2 (A-5) has the authority to direct or countermand
3 operating decisions by the private manager at any time;

4 (B) has ready access at any time to information
5 regarding Lottery operations;

6 (C) has the right to demand and receive information
7 from the private manager concerning any aspect of the
8 Lottery operations at any time; and

9 (D) retains ownership of all trade names,
10 trademarks, and intellectual property associated with
11 the Lottery.

12 (3) A provision imposing an affirmative duty on the
13 private manager to provide the Department with material
14 information and with any information the private manager
15 reasonably believes the Department would want to know to
16 enable the Department to conduct the Lottery.

17 (4) A provision requiring the private manager to
18 provide the Department with advance notice of any operating
19 decision that bears significantly on the public interest,
20 including, but not limited to, decisions on the kinds of
21 games to be offered to the public and decisions affecting
22 the relative risk and reward of the games being offered, so
23 the Department has a reasonable opportunity to evaluate and
24 countermand that decision.

25 (5) A provision providing for compensation of the
26 private manager that may consist of, among other things, a

1 fee for services and a performance based bonus as
2 consideration for managing the Lottery, including terms
3 that may provide the private manager with an increase in
4 compensation if Lottery revenues grow by a specified
5 percentage in a given year.

6 (6) (Blank).

7 (7) A provision requiring the deposit of all Lottery
8 proceeds to be deposited into the State Lottery Fund except
9 as otherwise provided in Section 20 of this Act.

10 (8) A provision requiring the private manager to locate
11 its principal office within the State.

12 (8-5) A provision encouraging that at least 20% of the
13 cost of contracts entered into for goods and services by
14 the private manager in connection with its management of
15 the Lottery, other than contracts with sales agents or
16 technical advisors, be awarded to businesses that are a
17 minority-owned business, a women-owned business, or a
18 business owned by a person with disability, as those terms
19 are defined in the Business Enterprise for Minorities,
20 Women, and Persons with Disabilities Act.

21 (9) A requirement that so long as the private manager
22 complies with all the conditions of the agreement under the
23 oversight of the Department, the private manager shall have
24 the following duties and obligations with respect to the
25 management of the Lottery:

26 (A) The right to use equipment and other assets

1 used in the operation of the Lottery.

2 (B) The rights and obligations under contracts
3 with retailers and vendors.

4 (C) The implementation of a comprehensive security
5 program by the private manager.

6 (D) The implementation of a comprehensive system
7 of internal audits.

8 (E) The implementation of a program by the private
9 manager to curb compulsive gambling by persons playing
10 the Lottery.

11 (F) A system for determining (i) the type of
12 Lottery games, (ii) the method of selecting winning
13 tickets, (iii) the manner of payment of prizes to
14 holders of winning tickets, (iv) the frequency of
15 drawings of winning tickets, (v) the method to be used
16 in selling tickets, (vi) a system for verifying the
17 validity of tickets claimed to be winning tickets,
18 (vii) the basis upon which retailer commissions are
19 established by the manager, and (viii) minimum
20 payouts.

21 (10) A requirement that advertising and promotion must
22 be consistent with Section 7.8a of this Act.

23 (11) A requirement that the private manager market the
24 Lottery to those residents who are new, infrequent, or
25 lapsed players of the Lottery, especially those who are
26 most likely to make regular purchases on the Internet as

1 permitted by law.

2 (12) A code of ethics for the private manager's
3 officers and employees.

4 (13) A requirement that the Department monitor and
5 oversee the private manager's practices and take action
6 that the Department considers appropriate to ensure that
7 the private manager is in compliance with the terms of the
8 management agreement, while allowing the manager, unless
9 specifically prohibited by law or the management
10 agreement, to negotiate and sign its own contracts with
11 vendors.

12 (14) A provision requiring the private manager to
13 periodically file, at least on an annual basis, appropriate
14 financial statements in a form and manner acceptable to the
15 Department.

16 (15) Cash reserves requirements.

17 (16) Procedural requirements for obtaining the prior
18 approval of the Department when a management agreement or
19 an interest in a management agreement is sold, assigned,
20 transferred, or pledged as collateral to secure financing.

21 (17) Grounds for the termination of the management
22 agreement by the Department or the private manager.

23 (18) Procedures for amendment of the agreement.

24 (19) A provision requiring the private manager to
25 engage in an open and competitive bidding process for any
26 procurement having a cost in excess of \$50,000 that is not

1 a part of the private manager's final offer. The process
2 shall favor the selection of a vendor deemed to have
3 submitted a proposal that provides the Lottery with the
4 best overall value. The process shall not be subject to the
5 provisions of the Illinois Procurement Code, unless
6 specifically required by the management agreement.

7 (20) The transition of rights and obligations,
8 including any associated equipment or other assets used in
9 the operation of the Lottery, from the manager to any
10 successor manager of the lottery, including the
11 Department, following the termination of or foreclosure
12 upon the management agreement.

13 (21) Right of use of copyrights, trademarks, and
14 service marks held by the Department in the name of the
15 State. The agreement must provide that any use of them by
16 the manager shall only be for the purpose of fulfilling its
17 obligations under the management agreement during the term
18 of the agreement.

19 (22) The disclosure of any information requested by the
20 Department to enable it to comply with the reporting
21 requirements and information requests provided for under
22 subsection (p) of this Section.

23 (e) Notwithstanding any other law to the contrary, the
24 Department shall select a private manager through a competitive
25 request for qualifications process consistent with Section
26 20-35 of the Illinois Procurement Code, which shall take into

1 account:

2 (1) the offeror's ability to market the Lottery to
3 those residents who are new, infrequent, or lapsed players
4 of the Lottery, especially those who are most likely to
5 make regular purchases on the Internet;

6 (2) the offeror's ability to address the State's
7 concern with the social effects of gambling on those who
8 can least afford to do so;

9 (3) the offeror's ability to provide the most
10 successful management of the Lottery for the benefit of the
11 people of the State based on current and past business
12 practices or plans of the offeror; and

13 (4) the offeror's poor or inadequate past performance
14 in servicing, equipping, operating or managing a lottery on
15 behalf of Illinois, another State or foreign government and
16 attracting persons who are not currently regular players of
17 a lottery.

18 (f) The Department may retain the services of an advisor or
19 advisors with significant experience in financial services or
20 the management, operation, and procurement of goods, services,
21 and equipment for a government-run lottery to assist in the
22 preparation of the terms of the request for qualifications and
23 selection of the private manager. Any prospective advisor
24 seeking to provide services under this subsection (f) shall
25 disclose any material business or financial relationship
26 during the past 3 years with any potential offeror, or with a

1 contractor or subcontractor presently providing goods,
2 services, or equipment to the Department to support the
3 Lottery. The Department shall evaluate the material business or
4 financial relationship of each prospective advisor. The
5 Department shall not select any prospective advisor with a
6 substantial business or financial relationship that the
7 Department deems to impair the objectivity of the services to
8 be provided by the prospective advisor. During the course of
9 the advisor's engagement by the Department, and for a period of
10 one year thereafter, the advisor shall not enter into any
11 business or financial relationship with any offeror or any
12 vendor identified to assist an offeror in performing its
13 obligations under the management agreement. Any advisor
14 retained by the Department shall be disqualified from being an
15 offeror. The Department shall not include terms in the request
16 for qualifications that provide a material advantage whether
17 directly or indirectly to any potential offeror, or any
18 contractor or subcontractor presently providing goods,
19 services, or equipment to the Department to support the
20 Lottery, including terms contained in previous responses to
21 requests for proposals or qualifications submitted to
22 Illinois, another State or foreign government when those terms
23 are uniquely associated with a particular potential offeror,
24 contractor, or subcontractor. The request for proposals
25 offered by the Department on December 22, 2008 as
26 "LOT08GAMESYS" and reference number "22016176" is declared

1 void.

2 (g) The Department shall select at least 2 offerors as
3 finalists to potentially serve as the private manager no later
4 than August 9, 2010. Upon making preliminary selections, the
5 Department shall schedule a public hearing on the finalists'
6 proposals and provide public notice of the hearing at least 7
7 calendar days before the hearing. The notice must include all
8 of the following:

9 (1) The date, time, and place of the hearing.

10 (2) The subject matter of the hearing.

11 (3) A brief description of the management agreement to
12 be awarded.

13 (4) The identity of the offerors that have been
14 selected as finalists to serve as the private manager.

15 (5) The address and telephone number of the Department.

16 (h) At the public hearing, the Department shall (i) provide
17 sufficient time for each finalist to present and explain its
18 proposal to the Department and the Governor or the Governor's
19 designee, including an opportunity to respond to questions
20 posed by the Department, Governor, or designee and (ii) allow
21 the public and non-selected offerors to comment on the
22 presentations. The Governor or a designee shall attend the
23 public hearing. After the public hearing, the Department shall
24 have 14 calendar days to recommend to the Governor whether a
25 management agreement should be entered into with a particular
26 finalist. After reviewing the Department's recommendation, the

1 Governor may accept or reject the Department's recommendation,
2 and shall select a final offeror as the private manager by
3 publication of a notice in the Illinois Procurement Bulletin on
4 or before September 15, 2010. The Governor shall include in the
5 notice a detailed explanation and the reasons why the final
6 offeror is superior to other offerors and will provide
7 management services in a manner that best achieves the
8 objectives of this Section. The Governor shall also sign the
9 management agreement with the private manager.

10 (i) Any action to contest the private manager selected by
11 the Governor under this Section must be brought within 7
12 calendar days after the publication of the notice of the
13 designation of the private manager as provided in subsection
14 (h) of this Section.

15 (j) The Lottery shall remain, for so long as a private
16 manager manages the Lottery in accordance with provisions of
17 this Act, a Lottery conducted by the State, and the State shall
18 not be authorized to sell or transfer the Lottery to a third
19 party.

20 (k) Any tangible personal property used exclusively in
21 connection with the lottery that is owned by the Department and
22 leased to the private manager shall be owned by the Department
23 in the name of the State and shall be considered to be public
24 property devoted to an essential public and governmental
25 function.

26 (l) The Department may exercise any of its powers under

1 this Section or any other law as necessary or desirable for the
2 execution of the Department's powers under this Section.

3 (m) Neither this Section nor any management agreement
4 entered into under this Section prohibits the General Assembly
5 from authorizing forms of gambling that are not in direct
6 competition with the Lottery. The forms of gambling authorized
7 by Public Act 101-31 ~~this amendatory Act of the 101st General~~
8 ~~Assembly~~ constitute authorized forms of gambling that are not
9 in direct competition with the Lottery.

10 (n) The private manager shall be subject to a complete
11 investigation in the third, seventh, and tenth years of the
12 agreement (if the agreement is for a 10-year term) by the
13 Department in cooperation with the Auditor General to determine
14 whether the private manager has complied with this Section and
15 the management agreement. The private manager shall bear the
16 cost of an investigation or reinvestigation of the private
17 manager under this subsection.

18 (o) The powers conferred by this Section are in addition
19 and supplemental to the powers conferred by any other law. If
20 any other law or rule is inconsistent with this Section,
21 including, but not limited to, provisions of the Illinois
22 Procurement Code, then this Section controls as to any
23 management agreement entered into under this Section. This
24 Section and any rules adopted under this Section contain full
25 and complete authority for a management agreement between the
26 Department and a private manager. No law, procedure,

1 proceeding, publication, notice, consent, approval, order, or
2 act by the Department or any other officer, Department, agency,
3 or instrumentality of the State or any political subdivision is
4 required for the Department to enter into a management
5 agreement under this Section. This Section contains full and
6 complete authority for the Department to approve any contracts
7 entered into by a private manager with a vendor providing
8 goods, services, or both goods and services to the private
9 manager under the terms of the management agreement, including
10 subcontractors of such vendors.

11 Upon receipt of a written request from the Chief
12 Procurement Officer, the Department shall provide to the Chief
13 Procurement Officer a complete and un-redacted copy of the
14 management agreement or any contract that is subject to the
15 Department's approval authority under this subsection (o). The
16 Department shall provide a copy of the agreement or contract to
17 the Chief Procurement Officer in the time specified by the
18 Chief Procurement Officer in his or her written request, but no
19 later than 5 business days after the request is received by the
20 Department. The Chief Procurement Officer must retain any
21 portions of the management agreement or of any contract
22 designated by the Department as confidential, proprietary, or
23 trade secret information in complete confidence pursuant to
24 subsection (g) of Section 7 of the Freedom of Information Act.
25 The Department shall also provide the Chief Procurement Officer
26 with reasonable advance written notice of any contract that is

1 pending Department approval.

2 Notwithstanding any other provision of this Section to the
3 contrary, the Chief Procurement Officer shall adopt
4 administrative rules, including emergency rules, to establish
5 a procurement process to select a successor private manager if
6 a private management agreement has been terminated. The
7 selection process shall at a minimum take into account the
8 criteria set forth in items (1) through (4) of subsection (e)
9 of this Section and may include provisions consistent with
10 subsections (f), (g), (h), and (i) of this Section. The Chief
11 Procurement Officer shall also implement and administer the
12 adopted selection process upon the termination of a private
13 management agreement. The Department, after the Chief
14 Procurement Officer certifies that the procurement process has
15 been followed in accordance with the rules adopted under this
16 subsection (o), shall select a final offeror as the private
17 manager and sign the management agreement with the private
18 manager.

19 Except as provided in Sections 21.5, 21.6, 21.7, 21.8,
20 21.9, 21.10, 21.11, 21.12, and 21.13, the Department shall
21 distribute all proceeds of lottery tickets and shares sold in
22 the following priority and manner:

23 (1) The payment of prizes and retailer bonuses.

24 (2) The payment of costs incurred in the operation and
25 administration of the Lottery, including the payment of
26 sums due to the private manager under the management

1 agreement with the Department.

2 (3) On the last day of each month or as soon thereafter
3 as possible, the State Comptroller shall direct and the
4 State Treasurer shall transfer from the State Lottery Fund
5 to the Common School Fund an amount that is equal to the
6 proceeds transferred in the corresponding month of fiscal
7 year 2009, as adjusted for inflation, to the Common School
8 Fund.

9 (4) On or before September 30 of each fiscal year,
10 deposit any estimated remaining proceeds from the prior
11 fiscal year, subject to payments under items (1), (2), and
12 (3), into the Capital Projects Fund. Beginning in fiscal
13 year 2019, the amount deposited shall be increased or
14 decreased each year by the amount the estimated payment
15 differs from the amount determined from each year-end
16 financial audit. Only remaining net deficits from prior
17 fiscal years may reduce the requirement to deposit these
18 funds, as determined by the annual financial audit.

19 (p) The Department shall be subject to the following
20 reporting and information request requirements:

21 (1) the Department shall submit written quarterly
22 reports to the Governor and the General Assembly on the
23 activities and actions of the private manager selected
24 under this Section;

25 (2) upon request of the Chief Procurement Officer, the
26 Department shall promptly produce information related to

1 the procurement activities of the Department and the
2 private manager requested by the Chief Procurement
3 Officer; the Chief Procurement Officer must retain
4 confidential, proprietary, or trade secret information
5 designated by the Department in complete confidence
6 pursuant to subsection (g) of Section 7 of the Freedom of
7 Information Act; and

8 (3) at least 30 days prior to the beginning of the
9 Department's fiscal year, the Department shall prepare an
10 annual written report on the activities of the private
11 manager selected under this Section and deliver that report
12 to the Governor and General Assembly.

13 (Source: P.A. 100-391, eff. 8-25-17; 100-587, eff. 6-4-18;
14 100-647, eff. 7-30-18; 100-1068, eff. 8-24-18; 101-31, eff.
15 6-28-19; 101-81, eff. 7-12-19; 101-561, eff. 8-23-19; revised
16 10-21-19.)

17 Section 120. The Department of Public Health Powers and
18 Duties Law of the Civil Administrative Code of Illinois is
19 amended setting forth and renumbering multiple versions of
20 Sections 2310-223 and 2310-455 as follows:

21 (20 ILCS 2310/2310-222)

22 Sec. 2310-222 ~~2310-223~~. Obstetric hemorrhage and
23 hypertension training.

24 (a) As used in this Section, "birthing facility" means (1)

1 a hospital, as defined in the Hospital Licensing Act, with more
2 than one licensed obstetric bed or a neonatal intensive care
3 unit; (2) a hospital operated by a State university; or (3) a
4 birth center, as defined in the Alternative Health Care
5 Delivery Act.

6 (b) The Department shall ensure that all birthing
7 facilities conduct continuing education yearly for providers
8 and staff of obstetric medicine and of the emergency department
9 and other staff that may care for pregnant or postpartum women.
10 The continuing education shall include yearly educational
11 modules regarding management of severe maternal hypertension
12 and obstetric hemorrhage for units that care for pregnant or
13 postpartum women. Birthing facilities must demonstrate
14 compliance with these education and training requirements.

15 (c) The Department shall collaborate with the Illinois
16 Perinatal Quality Collaborative or its successor organization
17 to develop an initiative to improve birth equity and reduce
18 peripartum racial and ethnic disparities. The Department shall
19 ensure that the initiative includes the development of best
20 practices for implicit bias training and education in cultural
21 competency to be used by birthing facilities in interactions
22 between patients and providers. In developing the initiative,
23 the Illinois Perinatal Quality Collaborative or its successor
24 organization shall consider existing programs, such as the
25 Alliance for Innovation on Maternal Health and the California
26 Maternal Quality Collaborative's pilot work on improving birth

1 equity. The Department shall support the initiation of a
2 statewide perinatal quality improvement initiative in
3 collaboration with birthing facilities to implement strategies
4 to reduce peripartum racial and ethnic disparities and to
5 address implicit bias in the health care system.

6 (d) The Department, in consultation with the Maternal
7 Mortality Review Committee, shall make available to all
8 birthing facilities best practices for timely identification
9 of all pregnant and postpartum women in the emergency
10 department and for appropriate and timely consultation of an
11 obstetric provider to provide input on management and
12 follow-up. Birthing facilities may use telemedicine for the
13 consultation.

14 (e) The Department may adopt rules for the purpose of
15 implementing this Section.

16 (Source: P.A. 101-390, eff. 1-1-20; revised 10-7-19.)

17 (20 ILCS 2310/2310-223)

18 Sec. 2310-223. Maternal care.

19 (a) The Department shall establish a classification system
20 for the following levels of maternal care:

21 (1) basic care: care of uncomplicated pregnancies with
22 the ability to detect, stabilize, and initiate management
23 of unanticipated maternal-fetal or neonatal problems that
24 occur during the antepartum, intrapartum, or postpartum
25 period until the patient can be transferred to a facility

1 at which specialty maternal care is available;

2 (2) specialty care: basic care plus care of appropriate
3 high-risk antepartum, intrapartum, or postpartum
4 conditions, both directly admitted and transferred to
5 another facility;

6 (3) subspecialty care: specialty care plus care of more
7 complex maternal medical conditions, obstetric
8 complications, and fetal conditions; and

9 (4) regional perinatal health care: subspecialty care
10 plus on-site medical and surgical care of the most complex
11 maternal conditions, critically ill pregnant women, and
12 fetuses throughout antepartum, intrapartum, and postpartum
13 care.

14 (b) The Department shall:

15 (1) introduce uniform designations for levels of
16 maternal care that are complimentary but distinct from
17 levels of neonatal care;

18 (2) establish clear, uniform criteria for designation
19 of maternal centers that are integrated with emergency
20 response systems to help ensure that the appropriate
21 personnel, physical space, equipment, and technology are
22 available to achieve optimal outcomes, as well as to
23 facilitate subsequent data collection regarding
24 risk-appropriate care;

25 (3) require each health care facility to have a clear
26 understanding of its capability to handle increasingly

1 complex levels of maternal care, and to have a well-defined
2 threshold for transferring women to health care facilities
3 that offer a higher level of care; to ensure optimal care
4 of all pregnant women, the Department shall require all
5 birth centers, hospitals, and higher-level facilities to
6 collaborate in order to develop and maintain maternal and
7 neonatal transport plans and cooperative agreements
8 capable of managing the health care needs of women who
9 develop complications; the Department shall require that
10 receiving hospitals openly accept transfers;

11 (4) require higher-level facilities to provide
12 training for quality improvement initiatives, educational
13 support, and severe morbidity and mortality case review for
14 lower-level hospitals; the Department shall ensure that,
15 in those regions that do not have a facility that qualifies
16 as a regional perinatal health care facility, any specialty
17 care facility in the region will provide the educational
18 and consultation function;

19 (5) require facilities and regional systems to develop
20 methods to track severe maternal morbidity and mortality to
21 assess the efficacy of utilizing maternal levels of care;

22 (6) analyze data collected from all facilities and
23 regional systems in order to inform future updates to the
24 levels of maternal care;

25 (7) require follow-up interdisciplinary work groups to
26 further explore the implementation needs that are

1 necessary to adopt the proposed classification system for
2 levels of maternal care in all facilities that provide
3 maternal care;

4 (8) disseminate data and materials to raise public
5 awareness about the importance of prenatal care and
6 maternal health;

7 (9) engage the Illinois Chapter of the American Academy
8 of Pediatrics in creating a quality improvement initiative
9 to expand efforts of pediatricians conducting postpartum
10 depression screening at well baby visits during the first
11 year of life; and

12 (10) adopt rules in accordance with the Illinois
13 Administrative Procedure Act to implement this subsection.
14 (Source: P.A. 101-447, eff. 8-23-19.)

15 (20 ILCS 2310/2310-455)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 2310-455. Federal funding to support maternal mental
18 health.

19 (a) The Department shall investigate and apply for federal
20 funding opportunities to support maternal mental health, to the
21 extent that programs are financed, in whole, by federal funds.

22 (b) The Department shall file a report with the General
23 Assembly on or before January 1, 2021 of the Department's
24 efforts to secure and utilize the federal funding it receives
25 from the requirement specified in subsection (a).

1 (c) This Section is repealed on January 1, 2022.

2 (Source: P.A. 101-70, eff. 1-1-20.)

3 (20 ILCS 2310/2310-460)

4 Sec. 2310-460 ~~2310-455~~. Suicide prevention. Subject to
5 appropriation, the Department shall implement activities
6 associated with the Suicide Prevention, Education, and
7 Treatment Act, including, but not limited to, the following:

8 (1) Coordinating suicide prevention, intervention, and
9 postvention programs, services, and efforts statewide.

10 (2) Developing and submitting proposals for funding
11 from federal agencies or other sources of funding to
12 promote suicide prevention and coordinate activities.

13 (3) With input from the Illinois Suicide Prevention
14 Alliance, preparing the Illinois Suicide Prevention
15 Strategic Plan required under Section 15 of the Suicide
16 Prevention, Education, and Treatment Act and coordinating
17 the activities necessary to implement the recommendations
18 in that Plan.

19 (4) With input from the Illinois Suicide Prevention
20 Alliance, providing to the Governor and General Assembly
21 the annual report required under Section 13 of the Suicide
22 Prevention, Education, and Treatment Act.

23 (5) Providing technical support for the activities of
24 the Illinois Suicide Prevention Alliance.

25 (Source: P.A. 101-331, eff. 8-9-19; revised 9-24-19.)

1 Section 125. The State Police Act is amended by changing
2 Section 40 as follows:

3 (20 ILCS 2610/40)

4 Sec. 40. Training; administration of epinephrine.

5 (a) This Section, along with Section 10.19 of the Illinois
6 Police Training Act, may be referred to as the Annie LeGere
7 Law.

8 (b) For the purposes of this Section, "epinephrine
9 auto-injector" means a single-use device used for the automatic
10 injection of a pre-measured dose of epinephrine into the human
11 body prescribed in the name of the Department.

12 (c) The Department may conduct or approve a training
13 program for State Police officers to recognize and respond to
14 anaphylaxis, including, but not limited to:

15 (1) how to recognize symptoms of an allergic reaction;

16 (2) how to respond to an emergency involving an
17 allergic reaction;

18 (3) how to administer an epinephrine auto-injector;

19 (4) how to respond to an individual with a known
20 allergy as well as an individual with a previously unknown
21 allergy;

22 (5) a test demonstrating competency of the knowledge
23 required to recognize anaphylaxis and administer an
24 epinephrine auto-injector; and

1 (6) other criteria as determined in rules adopted by
2 the Department.

3 (d) The Department may authorize a State Police officer who
4 has completed the training program under subsection (c) to
5 carry, administer, or assist with the administration of
6 epinephrine auto-injectors whenever he or she is performing
7 official duties.

8 (e) The Department must establish a written policy to
9 control the acquisition, storage, transportation,
10 administration, and disposal of epinephrine auto-injectors
11 before it allows any State Police officer to carry and
12 administer epinephrine auto-injectors.

13 (f) A physician, physician ~~physician's~~ assistant with
14 prescriptive authority, or advanced practice registered nurse
15 with prescriptive authority may provide a standing protocol or
16 prescription for epinephrine auto-injectors in the name of the
17 Department to be maintained for use when necessary.

18 (g) When a State Police officer administers an epinephrine
19 auto-injector in good faith, the officer and the Department,
20 and its employees and agents, including a physician, physician
21 ~~physician's~~ assistant with prescriptive authority, or advanced
22 practice registered nurse with prescriptive authority who
23 provides a standing order or prescription for an epinephrine
24 auto-injector, incur no civil or professional liability,
25 except for willful and wanton conduct, as a result of any
26 injury or death arising from the use of an epinephrine

1 auto-injector.

2 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
3 100-648, eff. 7-31-18; revised 1-14-20.)

4 Section 130. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Sections 2705-610 and 2705-615 as follows:

7 (20 ILCS 2705/2705-610)

8 Sec. 2705-610. Disadvantaged business revolving loan and
9 grant program.

10 (a) Purpose. The purpose of this Section is to provide for
11 assistance to disadvantaged business enterprises with project
12 financing costs for those firms that are ready, willing, and
13 able to participate on Department construction contracts. The
14 Department's disparity study recommends and supports a
15 financing program to address this barrier faced by
16 disadvantaged business enterprises.

17 (b) For the purposes of this Section:

18 "Construction" means building, altering, repairing,
19 improving, or demolishing any public structure or building, or
20 making improvements of any kind to public real property.
21 Construction does not include the routine operation, routine
22 repair, or routine maintenance of existing structures,
23 buildings, or real property.

24 "Construction-related services" means those services

1 including construction design, layout, inspection, support,
2 feasibility or location study, research, development,
3 planning, or other investigative study undertaken by a
4 construction agency concerning construction or potential
5 construction.

6 "Contractor" means one who participates, through a
7 contract or subcontract at any tier, in a United States
8 Department of Transportation-assisted or Illinois Department
9 of Transportation-assisted highway, rail, transit, or airport
10 program.

11 "Escrow account" means a fiduciary account established
12 with (1) a banking corporation which is both organized under
13 the Illinois Banking Act and authorized to accept and
14 administer trusts in this State; or (2) a national banking
15 association which has its principal place of business in this
16 State and which is authorized to accept and administer trusts
17 in this State.

18 "Fund Control Agent" means a person who provides managerial
19 and technical assistance to disadvantaged business enterprises
20 and holds the authority to manage a loan under this Section.
21 The Fund Control Agent will be procured by the Department under
22 a request for proposal process governed by the Illinois
23 Procurement Code and rules adopted under that Code.

24 "Loan" or "loan assistance funds" means a low-interest line
25 of credit made available to a selected disadvantaged business
26 enterprise under this program for the purposes set forth in

1 subsection (f) below.

2 (c) The Department may enter into agreements to make loans
3 to disadvantaged business enterprises certified by the
4 Department for participation on Department-procured
5 construction and construction-related contracts. For purposes
6 of this Section, the term "disadvantaged business enterprise"
7 has the meaning ascribed to it by 49 CFR Part 26.

8 The Department shall establish a loan selection committee
9 to review applications and select eligible disadvantaged
10 business enterprises for low-interest loans under this
11 program. A selection committee shall be comprised of at least 3
12 members appointed by the Secretary of the Department and shall
13 include at least one public member from the construction or
14 financing industry. The public member may not be employed or
15 associated with any disadvantaged business enterprise holding
16 a contract with the Department nor may the public member's firm
17 be considered for a contract with the Department while he or
18 she is serving as a public member of the committee. Terms of
19 service for public members shall not exceed 5 years. No public
20 member of the loan selection committee shall hold consecutive
21 terms, nor shall any member receive any compensation other than
22 for reasonable expenses for service related to this committee.

23 The Department shall establish through administrative
24 rules the requirements for eligibility and criteria for loan
25 applications, approved use of funds, amount of loans, interest
26 rates, collateral, and terms. The Department is authorized to

1 adopt rules to implement this Section.

2 The Department shall notify the prime contractor on a
3 project that a subcontractor on the same project has been
4 awarded a loan from the Working Capital Revolving Loan Fund. If
5 the loan agreement is amended by the parties of the loan
6 agreement, the prime contractor shall not be a party to any
7 disadvantaged business enterprise loan agreement between the
8 Department and participating subcontractor and shall not incur
9 any liability for loan debt accrued as a result of the loan
10 agreement.

11 (d) Loan funds shall be disbursed to the escrow account,
12 subject to appropriation, from the Working Capital Revolving
13 Loan Fund established as a special fund in the State treasury.
14 Loaned funds that are repaid to the Department shall be
15 deposited into the Working Capital Revolving Loan Fund. Other
16 appropriations, grants, awards, and donations to the
17 Department for the purpose of the revolving loan program
18 established by this Section shall be deposited into the Working
19 Capital Revolving Loan Fund.

20 (e) A funds control process shall be established to serve
21 as an intermediary between the Department and the contractor to
22 verify payments and to ensure paperwork is properly filed. The
23 Fund Control Agent and contractor shall enter into an agreement
24 regarding the control and disbursement of all payments to be
25 made by the Fund Control Agent under the contract. The
26 Department shall authorize and direct the Fund Control Agent to

1 review all disbursement requests and supporting documents
2 received from the contractor. The Fund Control Agent shall
3 direct the escrow account to disburse escrow funds to the
4 subcontractor, material supplier, and other appropriate
5 entities by written request for the disbursement. The
6 disadvantaged business enterprise shall maintain control over
7 its business operations by directing the payments of the loan
8 funds through its relationship with the Funds Control Agent.
9 The funds control process shall require the Fund Control Agent
10 to intercept payments made from a contractor to a subcontractor
11 receiving a loan made under this Act and allow the Fund Control
12 Agent to deduct any unpaid loan repayments owed to the State
13 before releasing the payment to the subcontractor.

14 (f) Loan assistance funds shall be allowed for current
15 liabilities or working capital expenses associated with
16 participation in the performance of contracts procured and
17 awarded by the Department for transportation construction and
18 construction-related purposes. Loan funds shall not be used
19 for:

20 (1) refinancing or payment of existing long-term debt;

21 (2) payment of non-current taxes;

22 (3) payments, advances, or loans to stockholders,
23 officers, directors, partners, or member owners of limited
24 liability companies; or

25 (4) the purchase or lease of non-construction motor
26 vehicles or equipment.

1 The loan agreement shall provide for the terms and
2 conditions of repayment which shall not extend repayment longer
3 than final payment made by the Department following completion
4 and acceptance of the work authorized for loan assistance under
5 the program. The funds shall be loaned with interest.

6 (g) The number of loans one disadvantaged business
7 enterprise may receive under this program is limited to 3.
8 Loans shall not be granted simultaneously. An applicant shall
9 not be permitted to obtain a loan under this program for a
10 different and additional project until payment in full of any
11 outstanding loans granted under this program have been received
12 by the Department.

13 (h) The rate of interest for any loan shall be set by rule.

14 (i) The loan amount to any successful applicant shall not
15 exceed 55% ~~percent~~ of the contract or subcontract supporting
16 the loan.

17 (j) Nothing in this Section shall impair the contractual
18 rights of the Department and the prime contractor or the
19 contractual rights between a prime contractor and
20 subcontractor.

21 (k) Nothing in this Section is intended nor shall be
22 construed to vest applicants denied funds by the Department in
23 accordance with this Section a right to challenge, protest, or
24 contest the awarding of funds by the Department to successful
25 applicants or any loan or agreement executed in connection with
26 it.

1 (1) The debt delinquency prohibition under Section 50-11 of
2 the Illinois Procurement Code applies to any future contracts
3 or subcontracts in the event of a loan default.

4 (m) Investment income which is attributable to the
5 investment of moneys in the Working Capital Revolving Loan Fund
6 shall be retained in the Working Capital Revolving Loan Fund.

7 (n) By January 1, 2014 and January 1 of each succeeding
8 year, the Department shall report to the Governor and the
9 General Assembly on the utilization and status of the revolving
10 loan program. The report shall, at a minimum, include the
11 amount transferred from the Road Fund to the Working Capital
12 Revolving Loan Fund, the number and size of approved loans, the
13 amounts disbursed to and from the escrow account, the amounts,
14 if any, repaid to the Working Capital Revolving Loan Fund, the
15 interest and fees paid by loan recipients, and the interest
16 earned on balances in the Working Capital Revolving Loan Fund,
17 and the names of any contractors who are delinquent or in
18 default of payment. The January 1, 2017 report shall include an
19 evaluation of the program by the Department to determine the
20 program's viability and progress towards its stated purpose.

21 (o) The Department's authority to execute additional loans
22 or request transfers to the Working Capital Revolving Loan Fund
23 expires on June 1, 2018. The Comptroller shall order
24 transferred and the Treasurer shall transfer any available
25 balance remaining in the Working Capital Revolving Loan Fund to
26 the Road Fund on January 1, 2019, or as soon thereafter as may

1 be practical. Any loan repayments, interest, or fees that are
2 by the terms of a loan agreement payable to the Working Capital
3 Revolving Loan Fund after June 20, 2018 shall instead be paid
4 into the Road Fund as the successor fund to the Working Capital
5 Revolving Loan Fund.

6 (Source: P.A. 98-117, eff. 7-30-13; revised 7-16-19.)

7 (20 ILCS 2705/2705-615)

8 Sec. 2705-615. Supplemental funding; Illinois
9 Transportation Enhancement Program.

10 (a) In addition to any other funding that may be provided
11 to the Illinois Transportation Enhancement Program from
12 federal, State, or other sources, including, but not limited
13 to, the Transportation Alternatives Set-Aside of the Surface
14 Transportation Block Grant Program, the Department shall set
15 aside \$50,000,000 received by the Department from the Road Fund
16 for the projects in the following categories: pedestrian and
17 bicycle facilities and the conversion of abandoned railroad
18 corridors to trails.

19 (b) Except as provided in subsection (c), funds set aside
20 under subsection (a) shall be administered according to the
21 requirements of the current Guidelines Manual published by the
22 Department for the Illinois Transportation Enhancement
23 Program, including, but not limited to, decision-making by the
24 Department and the applicable Metropolitan Planning
25 Organization and proportional fund distribution according to

1 population size.

2 (c) For projects funded under this Section:

3 (1) local matching funding shall be required according
4 to a sliding scale based on community size, median income,
5 and total property tax base;

6 (2) Phase I Studies and Phase I Engineering Reports are
7 not required to be completed before application is made;
8 and

9 (3) at least 25% of funding shall be directed towards
10 projects in high-need communities, based on community
11 median income and total property tax base.

12 (d) The Department shall adopt rules necessary to implement
13 this Section.

14 (e) The Department shall adhere to a 2-year funding cycle
15 for the Illinois Transportation Enhancement Program with calls
16 for projects at least every other year.

17 (f) The Department shall make all funded and unfunded ~~the~~
18 Illinois Transportation Enhancement Program applications
19 publicly available upon completion of each funding cycle,
20 including how each application scored on the program criteria.

21 (Source: P.A. 101-32, eff. 6-28-19; revised 7-24-19.)

22 Section 135. The State Fire Marshal Act is amended by
23 changing Section 3 as follows:

24 (20 ILCS 2905/3) (from Ch. 127 1/2, par. 3)

1 Sec. 3. There is created the Illinois Fire Advisory
2 Commission which shall advise the Office in the exercise of its
3 powers and duties. The Commission shall be appointed by the
4 Governor as follows:

5 (1) 3 professional, full-time ~~fulltime~~ paid
6 firefighters;

7 (2) one volunteer firefighter;

8 (3) one Fire Protection Engineer who is registered in
9 Illinois;

10 (4) one person who is a representative of the fire
11 insurance ~~Fire Insurance~~ industry in Illinois;

12 (5) one person who is a representative of a registered
13 United States Department of Labor apprenticeship program
14 primarily instructing in the installation and repair of
15 fire extinguishing systems;

16 (6) one ~~a~~ licensed operating or stationary engineer who
17 has an associate degree in facilities engineering
18 technology and has knowledge of the operation and
19 maintenance ~~maintennce~~ of fire alarm and fire
20 extinguishing systems primarily for the life safety of
21 occupants in a variety of commercial or residential
22 structures; and

23 (7) 3 persons with an interest in and knowledgeable
24 about fire prevention methods.

25 In addition, the following shall serve as ex officio
26 members of the Commission: the Chicago Fire Commissioner, or

1 his or her designee; the executive officer, or his or her
2 designee, of each of the following organizations: the Illinois
3 Fire Chiefs Association, the Illinois Fire Protection District
4 Association, the Illinois Fire Inspectors Association, the
5 Illinois Professional Firefighters Association, the Illinois
6 Firemen's Association, the Associated Firefighters of
7 Illinois, the Illinois Society of Fire Service Instructors, and
8 the Fire Service Institute, University of Illinois.

9 The Governor shall designate, at the time of appointment, 3
10 members to serve terms expiring on the third Monday in January,
11 1979; 3 members to serve terms expiring the third Monday in
12 January, 1980; and 2 members to serve terms expiring the third
13 Monday in January, 1981. The additional member appointed by the
14 Governor pursuant to Public Act 85-718 ~~this amendatory Act of~~
15 ~~1987~~ shall serve for a term expiring the third Monday in
16 January, 1990. Thereafter, all terms shall be for 3 years. A
17 member shall serve until his or her successor is appointed and
18 qualified. A vacancy shall be filled for the unexpired term.

19 The Governor shall designate one of the appointed members
20 to be chairman of the Commission.

21 Members shall serve without compensation but shall be
22 reimbursed for their actual reasonable expenses incurred in the
23 performance of their duties.

24 (Source: P.A. 101-234, eff. 8-9-19; revised 9-12-19.)

25 Section 140. The Capital Development Board Act is amended

1 by changing Sections 10.09-1 and 12 as follows:

2 (20 ILCS 3105/10.09-1)

3 Sec. 10.09-1. Certification of inspection.

4 (a) After July 1, 2011, no person may occupy a newly
5 constructed commercial building in a non-building code
6 jurisdiction until:

7 (1) The property owner or his or her agent has first
8 contracted for the inspection of the building by an
9 inspector who meets the qualifications established by the
10 Board; and

11 (2) The qualified inspector files a certification of
12 inspection with the municipality or county having such
13 jurisdiction over the property indicating that the
14 building meets compliance with the building codes adopted
15 by the Board for non-building code jurisdictions based on
16 the following:

17 (A) The current edition or most recent preceding
18 editions of the following codes developed by the
19 International Code Council:

20 (i) International Building Code;

21 (ii) International Existing Building Code; and

22 (B) The current edition or most recent preceding
23 edition of the National Electrical Code NFPA 70.

24 (b) This Section does not apply to any area in a
25 municipality or county having jurisdiction that has registered

1 its adopted building code with the Board as required by Section
2 55 of the Illinois Building Commission Act.

3 (c) The qualification requirements of this Section do not
4 apply to building enforcement personnel employed by
5 jurisdictions as defined in subsection (b).

6 (d) For purposes of this Section:

7 "Commercial building" means any building other than a
8 single-family home or a dwelling containing 2 or fewer
9 apartments, condominiums, or townhomes or a farm building as
10 exempted from Section 3 of the Illinois Architecture Practice
11 Act of 1989.

12 "Newly constructed commercial building" means any
13 commercial building for which original construction has
14 commenced on or after July 1, 2011.

15 "Non-building code jurisdiction" means any area of the
16 State not subject to a building code imposed by either a county
17 or municipality.

18 "Qualified inspector" means an individual qualified by the
19 State of Illinois, certified by a nationally recognized
20 building official certification organization, qualified by an
21 apprentice program certified by the Bureau of Apprentice
22 Training, or who has filed verification of inspection
23 experience according to rules adopted by the Board for the
24 purposes of conducting inspections in non-building code
25 jurisdictions.

26 (e) New residential construction is exempt from this

1 Section and is defined as any original construction of a
2 single-family home or a dwelling containing 2 or fewer
3 apartments, condominiums, or townhomes in accordance with the
4 Illinois Residential Building Code Act.

5 (f) Local governments may establish agreements with other
6 governmental entities within the State to issue permits and
7 enforce building codes and may hire third-party providers that
8 are qualified in accordance with this Section to provide
9 inspection services.

10 (g) This Section does not regulate any other statutorily
11 authorized code or regulation administered by State agencies.
12 These include without limitation the Illinois Plumbing Code,
13 the Illinois Environmental Barriers Act, the International
14 Energy Conservation Code, and administrative rules adopted by
15 the Office of the State Fire Marshal.

16 (h) This Section applies beginning July 1, 2011.

17 (Source: P.A. 101-369, eff. 12-15-19; revised 11-26-19.)

18 (20 ILCS 3105/12) (from Ch. 127, par. 782)

19 Sec. 12. Nothing in this Act shall be construed to include
20 the power to abrogate those powers vested in the boards of the
21 local public community college districts and the Illinois
22 Community College Board by the Public Community College Act,
23 the Board of Trustees of the University of Illinois, The Board
24 of Trustees of Southern Illinois University, the Board of
25 Trustees of Chicago State University, the Board of Trustees of

1 Eastern Illinois University, the Board of Trustees of Governors
2 State University, the Board of Trustees of Illinois State
3 University, the Board of Trustees of Northeastern Illinois
4 University, the Board of Trustees of Northern Illinois
5 University, and the Board of Trustees of Western Illinois
6 University, hereinafter referred to as Governing Boards. In the
7 exercise of the powers conferred by law upon the Board and in
8 the exercise of the powers vested in such Governing Boards, it
9 is hereby provided that (i) the Board and any such Governing
10 Board may contract with each other and other parties as to the
11 design and construction of any project to be constructed for or
12 upon the property of such Governing Board or any institution
13 under its jurisdiction; (ii) in connection with any such
14 project, compliance with the provisions of the Illinois
15 Procurement Code by either the Board or such Governing Board
16 shall be deemed to be compliance by the other; (iii) funds
17 appropriated to any such Governing Board may be expended for
18 any project constructed by the Board for such Governing Board;
19 (iv) in connection with any such project, the architects and
20 engineers retained for the project and the plans and
21 specifications for the project must be approved by both the
22 Governing Board and the Board before undertaking either design
23 or construction of the project, as the case may be.

24 (Source: P.A. 101-369, eff. 12-15-19; revised 11-26-19.)

25 Section 145. The General Assembly Compensation Act is

1 amended by changing Section 1 as follows:

2 (25 ILCS 115/1) (from Ch. 63, par. 14)

3 Sec. 1. Each member of the General Assembly shall receive
4 an annual salary of \$28,000 or as set by the Compensation
5 Review Board, whichever is greater. The following named
6 officers, committee chairmen and committee minority spokesmen
7 shall receive additional amounts per year for their services as
8 such officers, committee chairmen and committee minority
9 spokesmen respectively, as set by the Compensation Review Board
10 or, as follows, whichever is greater: Beginning the second
11 Wednesday in January 1989, the Speaker and the minority leader
12 of the House of Representatives and the President and the
13 minority leader of the Senate, \$16,000 each; the majority
14 leader in the House of Representatives \$13,500; 5 assistant
15 majority leaders and 5 assistant minority leaders in the
16 Senate, \$12,000 each; 6 assistant majority leaders and 6
17 assistant minority leaders in the House of Representatives,
18 \$10,500 each; 2 Deputy Majority leaders in the House of
19 Representatives \$11,500 each; and 2 Deputy Minority leaders in
20 the House of Representatives, \$11,500 each; the majority caucus
21 chairman and minority caucus chairman in the Senate, \$12,000
22 each; and beginning the second Wednesday in January, 1989, the
23 majority conference chairman and the minority conference
24 chairman in the House of Representatives, \$10,500 each;
25 beginning the second Wednesday in January, 1989, the chairman

1 and minority spokesman of each standing committee of the
2 Senate, except the Rules Committee, the Committee on
3 Committees, and the Committee on Assignment of Bills, \$6,000
4 each; and beginning the second Wednesday in January, 1989, the
5 chairman and minority spokesman of each standing and select
6 committee of the House of Representatives, \$6,000 each; and
7 beginning fiscal year 2020, the majority leader in the Senate,
8 an amount equal to the majority leader in the House. A member
9 who serves in more than one position as an officer, committee
10 chairman, or committee minority spokesman shall receive only
11 one additional amount based on the position paying the highest
12 additional amount. The compensation provided for in this
13 Section to be paid per year to members of the General Assembly,
14 including the additional sums payable per year to officers of
15 the General Assembly shall be paid in 12 equal monthly
16 installments. The first such installment is payable on January
17 31, 1977. All subsequent equal monthly installments are payable
18 on the last working day of the month. A member who has held
19 office any part of a month is entitled to compensation for an
20 entire month.

21 Mileage shall be paid at the rate of 20 cents per mile
22 before January 9, 1985, and at the mileage allowance rate in
23 effect under regulations promulgated pursuant to 5 U.S.C.
24 5707(b)(2) beginning January 9, 1985, for the number of actual
25 highway miles necessarily and conveniently traveled by the most
26 feasible route to be present upon convening of the sessions of

1 the General Assembly by such member in each and every trip
2 during each session in going to and returning from the seat of
3 government, to be computed by the Comptroller. A member
4 traveling by public transportation for such purposes, however,
5 shall be paid his actual cost of that transportation instead of
6 on the mileage rate if his cost of public transportation
7 exceeds the amount to which he would be entitled on a mileage
8 basis. No member may be paid, whether on a mileage basis or for
9 actual costs of public transportation, for more than one such
10 trip for each week the General Assembly is actually in session.
11 Each member shall also receive an allowance of \$36 per day for
12 lodging and meals while in attendance at sessions of the
13 General Assembly before January 9, 1985; beginning January 9,
14 1985, such food and lodging allowance shall be equal to the
15 amount per day permitted to be deducted for such expenses under
16 the Internal Revenue Code; however, beginning May 31, 1995, no
17 allowance for food and lodging while in attendance at sessions
18 is authorized for periods of time after the last day in May of
19 each calendar year, except (i) if the General Assembly is
20 convened in special session by either the Governor or the
21 presiding officers of both houses, as provided by subsection
22 (b) of Section 5 of Article IV of the Illinois Constitution or
23 (ii) if the General Assembly is convened to consider bills
24 vetoed, item vetoed, reduced, or returned with specific
25 recommendations for change by the Governor as provided in
26 Section 9 of Article IV of the Illinois Constitution. For

1 fiscal year 2011 and for session days in fiscal years 2012,
2 2013, 2014, 2015, 2016, 2017, 2018, and 2019 only (i) the
3 allowance for lodging and meals is \$111 per day and (ii)
4 mileage for automobile travel shall be reimbursed at a rate of
5 \$0.39 per mile.

6 Notwithstanding any other provision of law to the contrary,
7 beginning in fiscal year 2012, travel reimbursement for General
8 Assembly members on non-session days shall be calculated using
9 the guidelines set forth by the Legislative Travel Control
10 Board, except that fiscal year 2012, 2013, 2014, 2015, 2016,
11 2017, 2018, and 2019 mileage reimbursement is set at a rate of
12 \$0.39 per mile.

13 If a member dies having received only a portion of the
14 amount payable as compensation, the unpaid balance shall be
15 paid to the surviving spouse of such member, or, if there be
16 none, to the estate of such member.

17 (Source: P.A. 100-25, eff. 7-26-17; 100-587, eff. 6-4-18;
18 101-10, eff. 6-5-19; revised 7-17-19.)

19 Section 150. The State Finance Act is amended setting
20 forth, renumbering, and changing multiple versions of Sections
21 5.891, 5.893, 5.894, 5.895, 5.896, and 6z-107, by setting forth
22 and renumbering multiple versions of Sections 5.892 and 5.897,
23 and by changing Sections 6z-20.1, 6z-81, 8.12, 8.25g, 8g, 9.02,
24 and 25 as follows:

1 (30 ILCS 105/5.891)

2 Sec. 5.891. The Governor's Administrative Fund.

3 (Source: P.A. 101-10, Article 5, Section 5-35, eff. 6-5-19.)

4 (30 ILCS 105/5.892)

5 Sec. 5.892. The Firearm Dealer License Certification Fund.

6 (Source: P.A. 100-1178, eff. 1-18-19; 101-81, eff. 7-12-19.)

7 (30 ILCS 105/5.893)

8 Sec. 5.893. The Local Government Aviation Trust Fund.

9 (Source: P.A. 101-10, eff. 6-5-19.)

10 (30 ILCS 105/5.894)

11 Sec. 5.894. The Aviation Fuel Sales Tax Refund Fund.

12 (Source: P.A. 101-10, eff. 6-5-19.)

13 (30 ILCS 105/5.895)

14 Sec. 5.895. The Sound-Reducing Windows and Doors
15 Replacement Fund.

16 (Source: P.A. 101-10, eff. 6-5-19.)

17 (30 ILCS 105/5.896)

18 Sec. 5.896. The Rebuild Illinois Projects Fund.

19 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

20 (30 ILCS 105/5.897)

1 Sec. 5.897. The Civic and Transit Infrastructure Fund.

2 (Source: P.A. 101-10, eff. 6-5-19.)

3 (30 ILCS 105/5.898)

4 Sec. 5.898 ~~5.891~~. The State Aviation Program Fund.

5 (Source: P.A. 101-10, Article 15, Section 15-5, eff. 6-5-19;
6 revised 10-2-19.)

7 (30 ILCS 105/5.899)

8 Sec. 5.899 ~~5.891~~. The Cannabis Regulation Fund.

9 (Source: P.A. 101-27, eff. 6-25-19; revised 10-2-19.)

10 (30 ILCS 105/5.900)

11 Sec. 5.900 ~~5.891~~. The Multi-modal Transportation Bond
12 Fund.

13 (Source: P.A. 101-30, eff. 6-28-19; revised 10-2-19.)

14 (30 ILCS 105/5.901)

15 Sec. 5.901 ~~5.891~~. The Transportation Renewal Fund.

16 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;
17 revised 10-2-19.)

18 (30 ILCS 105/5.902)

19 Sec. 5.902 ~~5.891~~. The Illinois Property Tax Relief Fund.

20 (Source: P.A. 101-77, eff. 7-12-19; revised 10-2-19.)

1 (30 ILCS 105/5.903)

2 Sec. 5.903 ~~5.891~~. The Attorney General Whistleblower
3 Reward and Protection Fund.

4 (Source: P.A. 101-148, eff. 7-26-19; revised 10-2-19.)

5 (30 ILCS 105/5.904)

6 Sec. 5.904 ~~5.891~~. The Coal Combustion Residual Surface
7 Impoundment Financial Assurance Fund.

8 (Source: P.A. 101-171, eff. 7-30-19; revised 10-2-19.)

9 (30 ILCS 105/5.905)

10 Sec. 5.905 ~~5.891~~. The Scott's Law Fund.

11 (Source: P.A. 101-173, eff. 1-1-20; revised 10-2-19.)

12 (30 ILCS 105/5.906)

13 Sec. 5.906 ~~5.891~~. The DUI Prevention and Education Fund.

14 (Source: P.A. 101-196, eff. 1-1-20; revised 10-2-19.)

15 (30 ILCS 105/5.907)

16 Sec. 5.907 ~~5.891~~. The Post-Traumatic Stress Disorder
17 Awareness Fund.

18 (Source: P.A. 101-248, eff. 1-1-20; revised 10-2-19.)

19 (30 ILCS 105/5.908)

20 Sec. 5.908 ~~5.891~~. The Guide Dogs of America Fund.

21 (Source: P.A. 101-256, eff. 1-1-20; revised 10-2-19.)

1 (30 ILCS 105/5.909)

2 Sec. 5.909 ~~5.891~~. The Theresa Tracy Trot-Illinois
3 CancerCare Foundation Fund.

4 (Source: P.A. 101-276, eff. 8-9-19; revised 10-2-19.)

5 (30 ILCS 105/5.910)

6 Sec. 5.910 ~~5.891~~. The Developmental Disabilities Awareness
7 Fund.

8 (Source: P.A. 101-282, eff. 1-1-20; revised 10-2-19.)

9 (30 ILCS 105/5.911)

10 Sec. 5.911 ~~5.891~~. The Pediatric Cancer Awareness Fund.

11 (Source: P.A. 101-372, eff. 1-1-20; revised 10-2-19.)

12 (30 ILCS 105/5.912)

13 Sec. 5.912 ~~5.891~~. The Training in the Building Trades Fund.

14 (Source: P.A. 101-469, eff. 1-1-20; revised 10-2-19.)

15 (30 ILCS 105/5.913)

16 Sec. 5.913 ~~5.891~~. The School STEAM Grant Program Fund.

17 (Source: P.A. 101-561, eff. 8-23-19; revised 10-2-19.)

18 (30 ILCS 105/5.914)

19 Sec. 5.914 ~~5.891~~. The Water Workforce Development Fund.

20 (Source: P.A. 101-576, eff. 1-1-20; revised 10-2-19.)

1 (30 ILCS 105/5.915)

2 Sec. 5.915 ~~5.892~~. The Cannabis Business Development Fund.

3 (Source: P.A. 101-27, eff. 6-25-19; revised 10-17-19.)

4 (30 ILCS 105/5.916)

5 Sec. 5.916 ~~5.893~~. The Local Cannabis Consumer Excise Tax
6 Trust Fund.

7 (Source: P.A. 101-27, eff. 6-25-19; revised 10-17-19.)

8 (30 ILCS 105/5.917)

9 Sec. 5.917 ~~5.893~~. The Transportation Renewal Fund.

10 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

11 (30 ILCS 105/5.918)

12 Sec. 5.918 ~~5.893~~. The Regional Transportation Authority
13 Capital Improvement Fund.

14 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;
15 revised 10-17-19.)

16 (30 ILCS 105/5.920)

17 Sec. 5.920 ~~5.893~~. The State Police Whistleblower Reward and
18 Protection Fund.

19 (Source: P.A. 101-148, eff. 7-26-19; revised 10-17-19.)

20 (30 ILCS 105/5.921)

1 Sec. 5.921 ~~5.893~~. The Mechanics Training Fund.
2 (Source: P.A. 101-256, eff. 1-1-20; revised 10-17-19.)

3 (30 ILCS 105/5.922)

4 Sec. 5.922 ~~5.894~~. The Cannabis Expungement Fund.
5 (Source: P.A. 101-27, eff. 6-25-19; revised 10-17-19.)

6 (30 ILCS 105/5.923)

7 Sec. 5.923 ~~5.894~~. The Regional Transportation Authority
8 Capital Improvement Fund.
9 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

10 (30 ILCS 105/5.924)

11 Sec. 5.924 ~~5.894~~. The Downstate Mass Transportation
12 Capital Improvement Fund.
13 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19.)

14 (30 ILCS 105/5.925)

15 Sec. 5.925 ~~5.895~~. The Downstate Mass Transportation
16 Capital Improvement Fund.
17 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

18 (30 ILCS 105/5.926)

19 Sec. 5.926 ~~5.895~~. The Illinois Works Fund.
20 (Source: P.A. 101-31, eff. 6-28-19; revised 10-17-19.)

1 (30 ILCS 105/5.927)

2 Sec. 5.927 ~~5.896~~. The Sports Wagering Fund.

3 (Source: P.A. 101-31, eff. 6-28-19; revised 10-17-19.)

4 (30 ILCS 105/5.928)

5 Sec. 5.928 ~~5.897~~. The State Fairgrounds Capital
6 Improvements and Harness Racing Fund.

7 (Source: P.A. 101-31, eff. 6-28-19; revised 10-17-19.)

8 (30 ILCS 105/6z-20.1)

9 Sec. 6z-20.1. The State Aviation Program Fund and the
10 Sound-Reducing Windows and Doors Replacement Fund.

11 (a) The State Aviation Program Fund is created in the State
12 Treasury. Moneys in the Fund shall be used by the Department of
13 Transportation for the purposes of administering a State
14 Aviation Program. Subject to appropriation, the moneys shall be
15 used for the purpose of distributing grants to units of local
16 government to be used for airport-related purposes. Grants to
17 units of local government from the Fund shall be distributed
18 proportionately based on equal part enplanements, total cargo,
19 and airport operations. With regard to enplanements that occur
20 within a municipality with a population of over 500,000, grants
21 shall be distributed only to the municipality.

22 (b) For grants to a unit of government other than a
23 municipality with a population of more than 500,000,
24 "airport-related purposes" means the capital or operating

1 costs of: (1) an airport; (2) a local airport system; or (3)
2 any other local facility that is owned or operated by the
3 person or entity that owns or operates the airport that is
4 directly and substantially related to the air transportation of
5 passengers or property as provided in 49 U.S.C. 47133,
6 including (i) the replacement of sound-reducing windows and
7 doors installed under the Residential Sound Insulation Program
8 and (ii) in-home air quality monitoring testing in residences
9 in which windows or doors were installed under the Residential
10 Sound Insulation Program.

11 (c) For grants to a municipality with a population of more
12 than 500,000, "airport-related purposes" means the capital
13 costs of: (1) an airport; (2) a local airport system; or (3)
14 any other local facility that (i) is owned or operated by a
15 person or entity that owns or operates an airport and (ii) is
16 directly and substantially related to the air transportation of
17 passengers or property, as provided in 49 ~~40~~ U.S.C. 47133. For
18 grants to a municipality with a population of more than
19 500,000, "airport-related purposes" also means costs
20 associated with the replacement of sound-reducing windows and
21 doors installed under the Residential Sound Insulation
22 Program.

23 (d) In each State fiscal year, the first \$7,500,000
24 attributable to a municipality with a population of more than
25 500,000, as provided in subsection (a) of this Section, shall
26 be transferred to the Sound-Reducing Windows and Doors

1 Replacement Fund, a special fund created in the State Treasury.
2 Subject to appropriation, the moneys in the Fund shall be used
3 for costs associated with the replacement of sound-reducing
4 windows and doors installed under the Residential Sound
5 Insulation Program. Any amounts attributable to a municipality
6 with a population of more than 500,000 in excess of \$7,500,000
7 in each State fiscal year shall be distributed among the
8 airports in that municipality based on the same formula as
9 prescribed in subsection (a) to be used for airport-related
10 purposes.

11 (Source: P.A. 101-10, eff. 6-5-19; revised 7-17-19.)

12 (30 ILCS 105/6z-81)

13 Sec. 6z-81. Healthcare Provider Relief Fund.

14 (a) There is created in the State treasury a special fund
15 to be known as the Healthcare Provider Relief Fund.

16 (b) The Fund is created for the purpose of receiving and
17 disbursing moneys in accordance with this Section.
18 Disbursements from the Fund shall be made only as follows:

19 (1) Subject to appropriation, for payment by the
20 Department of Healthcare and Family Services or by the
21 Department of Human Services of medical bills and related
22 expenses, including administrative expenses, for which the
23 State is responsible under Titles XIX and XXI of the Social
24 Security Act, the Illinois Public Aid Code, the Children's
25 Health Insurance Program Act, the Covering ALL KIDS Health

1 Insurance Act, and the Long Term Acute Care Hospital
2 Quality Improvement Transfer Program Act.

3 (2) For repayment of funds borrowed from other State
4 funds or from outside sources, including interest thereon.

5 (3) For State fiscal years 2017, 2018, and 2019, for
6 making payments to the human poison control center pursuant
7 to Section 12-4.105 of the Illinois Public Aid Code.

8 (c) The Fund shall consist of the following:

9 (1) Moneys received by the State from short-term
10 borrowing pursuant to the Short Term Borrowing Act on or
11 after the effective date of Public Act 96-820.

12 (2) All federal matching funds received by the Illinois
13 Department of Healthcare and Family Services as a result of
14 expenditures made by the Department that are attributable
15 to moneys deposited in the Fund.

16 (3) All federal matching funds received by the Illinois
17 Department of Healthcare and Family Services as a result of
18 federal approval of Title XIX State plan amendment
19 transmittal number 07-09.

20 (3.5) Proceeds from the assessment authorized under
21 Article V-H of the Illinois Public Aid Code.

22 (4) All other moneys received for the Fund from any
23 other source, including interest earned thereon.

24 (5) All federal matching funds received by the Illinois
25 Department of Healthcare and Family Services as a result of
26 expenditures made by the Department for Medical Assistance

1 from the General Revenue Fund, the Tobacco Settlement
2 Recovery Fund, the Long-Term Care Provider Fund, and the
3 Drug Rebate Fund related to individuals eligible for
4 medical assistance pursuant to the Patient Protection and
5 Affordable Care Act (P.L. 111-148) and Section 5-2 of the
6 Illinois Public Aid Code.

7 (d) In addition to any other transfers that may be provided
8 for by law, on the effective date of Public Act 97-44, or as
9 soon thereafter as practical, the State Comptroller shall
10 direct and the State Treasurer shall transfer the sum of
11 \$365,000,000 from the General Revenue Fund into the Healthcare
12 Provider Relief Fund.

13 (e) In addition to any other transfers that may be provided
14 for by law, on July 1, 2011, or as soon thereafter as
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$160,000,000 from the
17 General Revenue Fund to the Healthcare Provider Relief Fund.

18 (f) Notwithstanding any other State law to the contrary,
19 and in addition to any other transfers that may be provided for
20 by law, the State Comptroller shall order transferred and the
21 State Treasurer shall transfer \$500,000,000 to the Healthcare
22 Provider Relief Fund from the General Revenue Fund in equal
23 monthly installments of \$100,000,000, with the first transfer
24 to be made on July 1, 2012, or as soon thereafter as practical,
25 and with each of the remaining transfers to be made on August
26 1, 2012, September 1, 2012, October 1, 2012, and November 1,

1 2012, or as soon thereafter as practical. This transfer may
2 assist the Department of Healthcare and Family Services in
3 improving Medical Assistance bill processing timeframes or in
4 meeting the possible requirements of Senate Bill 3397, or other
5 similar legislation, of the 97th General Assembly should it
6 become law.

7 (g) Notwithstanding any other State law to the contrary,
8 and in addition to any other transfers that may be provided for
9 by law, on July 1, 2013, or as soon thereafter as may be
10 practical, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$601,000,000 from the
12 General Revenue Fund to the Healthcare Provider Relief Fund.

13 (Source: P.A. 100-587, eff. 6-4-18; 101-9, eff. 6-5-19; revised
14 7-17-19.)

15 (30 ILCS 105/6z-107)

16 Sec. 6z-107. Governor's Administrative Fund. The
17 Governor's Administrative Fund is established as a special fund
18 in the State Treasury. The Fund may accept moneys from any
19 public source in the form of grants, deposits, and transfers,
20 and shall be used for purposes designated by the source of the
21 moneys and, if no specific purposes are designated, then for
22 the general administrative and operational costs of the
23 Governor's Office.

24 (Source: P.A. 101-10, eff. 6-5-19.)

1 (30 ILCS 105/6z-112)

2 Sec. 6z-112 ~~6z-107~~. The Cannabis Regulation Fund.

3 (a) There is created the Cannabis Regulation Fund in the
4 State treasury, subject to appropriations unless otherwise
5 provided in this Section. All moneys collected under the
6 Cannabis Regulation and Tax Act shall be deposited into the
7 Cannabis Regulation Fund, consisting of taxes, license fees,
8 other fees, and any other amounts required to be deposited or
9 transferred into the Fund.

10 (b) Whenever the Department of Revenue determines that a
11 refund should be made under the Cannabis Regulation and Tax Act
12 to a claimant, the Department of Revenue shall submit a voucher
13 for payment to the State Comptroller, who shall cause the order
14 to be drawn for the amount specified and to the person named in
15 the notification from the Department of Revenue. This
16 subsection (b) shall constitute an irrevocable and continuing
17 appropriation of all amounts necessary for the payment of
18 refunds out of the Fund as authorized under this subsection
19 (b).

20 (c) On or before the 25th day of each calendar month, the
21 Department of Revenue shall prepare and certify to the State
22 Comptroller the transfer and allocations of stated sums of
23 money from the Cannabis Regulation Fund to other named funds in
24 the State treasury. The amount subject to transfer shall be the
25 amount of the taxes, license fees, other fees, and any other
26 amounts paid into the Fund during the second preceding calendar

1 month, minus the refunds made under subsection (b) during the
2 second preceding calendar month by the Department. The
3 transfers shall be certified as follows:

4 (1) The Department of Revenue shall first determine the
5 allocations which shall remain in the Cannabis Regulation
6 Fund, subject to appropriations, to pay for the direct and
7 indirect costs associated with the implementation,
8 administration, and enforcement of the Cannabis Regulation
9 and Tax Act by the Department of Revenue, the Department of
10 State Police, the Department of Financial and Professional
11 Regulation, the Department of Agriculture, the Department
12 of Public Health, the Department of Commerce and Economic
13 Opportunity, and the Illinois Criminal Justice Information
14 Authority.

15 (2) After the allocations have been made as provided in
16 paragraph (1) of this subsection (c), of the remainder of
17 the amount subject to transfer for the month as determined
18 in this subsection (c), the Department shall certify the
19 transfer into the Cannabis Expungement Fund 1/12 of the
20 fiscal year amount appropriated from the Cannabis
21 Expungement Fund for payment of costs incurred by State
22 courts, the Attorney General, State's Attorneys, civil
23 legal aid, as defined by Section 15 of the Public Interest
24 Attorney Assistance Act, and the Department of State Police
25 to facilitate petitions for expungement of Minor Cannabis
26 Offenses pursuant to Public Act 101-27 ~~this amendatory Act~~

1 ~~of the 101st General Assembly,~~ as adjusted by any
2 supplemental appropriation, plus cumulative deficiencies
3 in such transfers for prior months.

4 (3) After the allocations have been made as provided in
5 paragraphs (1) and (2) of this subsection (c), the
6 Department of Revenue shall certify to the State
7 Comptroller and the State Treasurer shall transfer the
8 amounts that the Department of Revenue determines shall be
9 transferred into the following named funds according to the
10 following:

11 (A) 2% shall be transferred to the Drug Treatment
12 Fund to be used by the Department of Human Services
13 for: (i) developing and administering a scientifically
14 and medically accurate public education campaign
15 educating youth and adults about the health and safety
16 risks of alcohol, tobacco, illegal drug use (including
17 prescription drugs), and cannabis, including use by
18 pregnant women; and (ii) data collection and analysis
19 of the public health impacts of legalizing the
20 recreational use of cannabis. Expenditures for these
21 purposes shall be subject to appropriations.

22 (B) 8% shall be transferred to the Local Government
23 Distributive Fund and allocated as provided in Section
24 2 of the State Revenue Sharing Act. The moneys shall be
25 used to fund crime prevention programs, training, and
26 interdiction efforts, including detection,

1 enforcement, and prevention efforts, relating to the
2 illegal cannabis market and driving under the
3 influence of cannabis.

4 (C) 25% shall be transferred to the Criminal
5 Justice Information Projects Fund to be used for the
6 purposes of the Restore, Reinvest, and Renew Program to
7 address economic development, violence prevention
8 services, re-entry services, youth development, and
9 civil legal aid, as defined by Section 15 of the Public
10 Interest Attorney Assistance Act. The Restore,
11 Reinvest, and Renew Program shall address these issues
12 through targeted investments and intervention programs
13 and promotion of an employment infrastructure and
14 capacity building related to the social determinants
15 of health in impacted community areas. Expenditures
16 for these purposes shall be subject to appropriations.

17 (D) 20% shall be transferred to the Department of
18 Human Services Community Services Fund, to be used to
19 address substance abuse and prevention and mental
20 health concerns, including treatment, education, and
21 prevention to address the negative impacts of
22 substance abuse and mental health issues, including
23 concentrated poverty, violence, and the historical
24 overuse of criminal justice responses in certain
25 communities, on the individual, family, and community,
26 including federal, State, and local governments,

1 health care institutions and providers, and
2 correctional facilities. Expenditures for these
3 purposes shall be subject to appropriations.

4 (E) 10% shall be transferred to the Budget
5 Stabilization Fund.

6 (F) 35%, or any remaining balance, shall be
7 transferred to the General Revenue Fund.

8 As soon as may be practical, but no later than 10 days
9 after receipt, by the State Comptroller of the transfer
10 certification provided for in this subsection (c) to be given
11 to the State Comptroller by the Department of Revenue, the
12 State Comptroller shall direct and the State Treasurer shall
13 transfer the respective amounts in accordance with the
14 directions contained in such certification.

15 (d) On July 1, 2019 the Department of Revenue shall certify
16 to the State Comptroller and the State Treasurer shall transfer
17 \$5,000,000 from the Compassionate Use of Medical Cannabis Fund
18 to the Cannabis Regulation Fund.

19 (e) Notwithstanding any other law to the contrary and
20 except as otherwise provided in this Section, this Fund is not
21 subject to sweeps, administrative charge-backs, or any other
22 fiscal or budgetary maneuver that would in any way transfer any
23 amounts from this Fund into any other fund of the State.

24 (f) The Cannabis Regulation Fund shall retain a balance of
25 \$1,000,000 for the purposes of administrative costs.

26 (g) In Fiscal Year 2024 the allocations in subsection (c)

1 of this Section shall be reviewed and adjusted if the General
2 Assembly finds there is a greater need for funding for a
3 specific purpose in the State as it relates to Public Act
4 101-27 ~~this amendatory Act of the 101st General Assembly.~~

5 (Source: P.A. 101-27, eff. 6-25-19; revised 9-23-19.)

6 (30 ILCS 105/6z-113)

7 Sec. 6z-113 ~~6z-107~~. Illinois Property Tax Relief Fund;
8 creation.

9 (a) Beginning in State fiscal year 2021, the Illinois
10 Property Tax Relief Fund is hereby created as a special fund in
11 the State treasury. Moneys in the Fund shall be used by the
12 State Comptroller to pay rebates to residential property
13 taxpayers in the State as provided in this Section. The Fund
14 may accept moneys from any lawful source.

15 (b) Beginning in State fiscal year 2021, within 30 days
16 after the last day of the application period for general
17 homestead exemptions in the county, each chief county
18 assessment officer shall certify to the State Comptroller the
19 total number of general homestead exemptions granted for
20 homestead property in that county for the applicable property
21 tax year. As soon as possible after receiving certifications
22 from each county under this subsection, the State Comptroller
23 shall calculate a property tax rebate amount for the applicable
24 property tax year by dividing the total amount appropriated
25 from the Illinois Property Tax Relief Fund for the purpose of

1 making rebates under this Section by the total number of
2 homestead exemptions granted for homestead property in the
3 State. The county treasurer shall reduce each property tax bill
4 for homestead property by the property tax rebate amount and
5 shall include a separate line item on each property tax bill
6 stating the property tax rebate amount from the Illinois
7 Property Tax Relief Fund. Within 60 days after calculating the
8 property tax rebate amount, the State Comptroller shall make
9 distributions from the Illinois Property Tax Relief Fund to
10 each county. The amount allocated to each county shall be the
11 property tax rebate amount multiplied by the number of general
12 homestead exemptions granted in the county for the applicable
13 property tax year. The county treasurer shall distribute each
14 taxing district's share of property tax collections and
15 distributions from the Illinois Property Tax Relief Fund to
16 those taxing districts as provided by law.

17 (c) As used in this Section:

18 "Applicable property tax year" means the tax year for which
19 a rebate was applied to property tax bills under this Section.

20 "General homestead exemption" means a general homestead
21 exemption that was granted for the property under Section
22 15-175 of the Property Tax Code.

23 "Homestead property" means property that meets both of the
24 following criteria: (1) a general homestead exemption was
25 granted for the property; and (2) the property tax liability
26 for the property is current as of the date of the

1 certification.

2 (Source: P.A. 101-77, eff. 7-12-19; revised 9-23-19.)

3 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

4 Sec. 8.12. State Pensions Fund.

5 (a) The moneys in the State Pensions Fund shall be used
6 exclusively for the administration of the Revised Uniform
7 Unclaimed Property Act and for the expenses incurred by the
8 Auditor General for administering the provisions of Section
9 2-8.1 of the Illinois State Auditing Act and for operational
10 expenses of the Office of the State Treasurer and for the
11 funding of the unfunded liabilities of the designated
12 retirement systems. For the purposes of this Section,
13 "operational expenses of the Office of the State Treasurer"
14 includes the acquisition of land and buildings in State fiscal
15 years 2019 and 2020 for use by the Office of the State
16 Treasurer, as well as construction, reconstruction,
17 improvement, repair, and maintenance, in accordance with the
18 provisions of laws relating thereto, of such lands and
19 buildings beginning in State fiscal year 2019 and thereafter.
20 Beginning in State fiscal year 2021, payments to the designated
21 retirement systems under this Section shall be in addition to,
22 and not in lieu of, any State contributions required under the
23 Illinois Pension Code.

24 "Designated retirement systems" means:

25 (1) the State Employees' Retirement System of

1 Illinois;

2 (2) the Teachers' Retirement System of the State of
3 Illinois;

4 (3) the State Universities Retirement System;

5 (4) the Judges Retirement System of Illinois; and

6 (5) the General Assembly Retirement System.

7 (b) Each year the General Assembly may make appropriations
8 from the State Pensions Fund for the administration of the
9 Revised Uniform Unclaimed Property Act.

10 (c) As soon as possible after July 30, 2004 (the effective
11 date of Public Act 93-839), the General Assembly shall
12 appropriate from the State Pensions Fund (1) to the State
13 Universities Retirement System the amount certified under
14 Section 15-165 during the prior year, (2) to the Judges
15 Retirement System of Illinois the amount certified under
16 Section 18-140 during the prior year, and (3) to the General
17 Assembly Retirement System the amount certified under Section
18 2-134 during the prior year as part of the required State
19 contributions to each of those designated retirement systems.
20 If the amount in the State Pensions Fund does not exceed the
21 sum of the amounts certified in Sections 15-165, 18-140, and
22 2-134 by at least \$5,000,000, the amount paid to each
23 designated retirement system under this subsection shall be
24 reduced in proportion to the amount certified by each of those
25 designated retirement systems.

26 (c-5) For fiscal years 2006 through 2020, the General

1 Assembly shall appropriate from the State Pensions Fund to the
2 State Universities Retirement System the amount estimated to be
3 available during the fiscal year in the State Pensions Fund;
4 provided, however, that the amounts appropriated under this
5 subsection (c-5) shall not reduce the amount in the State
6 Pensions Fund below \$5,000,000.

7 (c-6) For fiscal year 2021 and each fiscal year thereafter,
8 as soon as may be practical after any money is deposited into
9 the State Pensions Fund from the Unclaimed Property Trust Fund,
10 the State Treasurer shall apportion the deposited amount among
11 the designated retirement systems as defined in subsection (a)
12 to reduce their actuarial reserve deficiencies. The State
13 Comptroller and State Treasurer shall pay the apportioned
14 amounts to the designated retirement systems to fund the
15 unfunded liabilities of the designated retirement systems. The
16 amount apportioned to each designated retirement system shall
17 constitute a portion of the amount estimated to be available
18 for appropriation from the State Pensions Fund that is the same
19 as that retirement system's portion of the total actual reserve
20 deficiency of the systems, as determined annually by the
21 Governor's Office of Management and Budget at the request of
22 the State Treasurer. The amounts apportioned under this
23 subsection shall not reduce the amount in the State Pensions
24 Fund below \$5,000,000.

25 (d) The Governor's Office of Management and Budget shall
26 determine the individual and total reserve deficiencies of the

1 designated retirement systems. For this purpose, the
2 Governor's Office of Management and Budget shall utilize the
3 latest available audit and actuarial reports of each of the
4 retirement systems and the relevant reports and statistics of
5 the Public Employee Pension Fund Division of the Department of
6 Insurance.

7 (d-1) (Blank).

8 (e) The changes to this Section made by Public Act 88-593
9 shall first apply to distributions from the Fund for State
10 fiscal year 1996.

11 (Source: P.A. 100-22, eff. 1-1-18; 100-23, eff. 7-6-17;
12 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 101-10, eff.
13 6-5-19; 101-487, eff. 8-23-19; revised 9-12-19.)

14 (30 ILCS 105/8.25g)

15 Sec. 8.25g. The Civic and Transit Infrastructure Fund. The
16 Civic and Transit Infrastructure Fund is created as a special
17 fund in the State Treasury. Money in the Civic and Transit
18 Infrastructure Fund shall, when the State of Illinois incurs
19 infrastructure indebtedness pursuant to the public-private
20 ~~public-private~~ partnership entered into by the public agency on
21 behalf of the State of Illinois with private entity pursuant to
22 the Public-Private Partnership for Civic and Transit
23 Infrastructure Project Act ~~enacted in this amendatory Act of~~
24 ~~the 101th General Assembly~~, be used for the purpose of paying
25 and discharging monthly the principal and interest on that

1 infrastructure indebtedness then due and payable consistent
2 with the term established in the public-private ~~public-private~~
3 agreement entered into by the public agency on behalf of the
4 State of Illinois. The public agency shall, pursuant to its
5 authority under the Public-Private Partnership for Civic and
6 Transit Infrastructure Project Act, annually certify to the
7 State Comptroller and the State Treasurer the amount necessary
8 and required, during the fiscal year with respect to which the
9 certification is made, to pay the amounts due under the
10 Public-Private Partnership for Civic and Transit
11 Infrastructure Project Act. On or before the last day of each
12 month, the State Comptroller and State Treasurer shall transfer
13 the moneys required to be deposited into the Fund under Section
14 3 of the Retailers' Occupation Tax Act and the Public-Private
15 Partnership for Civic and Transit Infrastructure Project Act
16 and shall pay from that Fund the required amount certified by
17 the public agency, plus any cumulative deficiency in such
18 transfers and payments for prior months, to the public agency
19 for distribution pursuant to the Public-Private Partnership
20 for Civic and Transit Infrastructure Project Act. Such
21 transferred amount shall be sufficient to pay all amounts due
22 under the Public-Private Partnership for Civic and Transit
23 Infrastructure Project Act. Provided that all amounts
24 deposited in the Fund have been paid accordingly under the
25 Public-Private Partnership for Civic and Transit
26 Infrastructure Project Act, all amounts remaining in the Civic

1 and Transit Infrastructure Fund shall be held in that Fund for
2 other subsequent payments required under the Public-Private
3 Partnership for Civic and Transit Infrastructure Project Act.
4 In the event the State fails to pay the amount necessary and
5 required under the Public-Private Partnership for Civic and
6 Transit Infrastructure Project Act for any reason during the
7 fiscal year with respect to which the certification is made or
8 if the State takes any steps that result in an impact to the
9 irrevocable, first priority pledge of and lien on moneys on
10 deposit in the Civic and Transit Infrastructure Fund, the
11 public agency shall certify such delinquent amounts to the
12 State Comptroller and the State Treasurer and the State
13 Comptroller and the State Treasurer shall take all steps
14 required to intercept the tax revenues collected from within
15 the boundary of the civic transit infrastructure project
16 pursuant to Section 3 of the Retailers' Occupation Tax Act,
17 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
18 Act, Section 9 of the Service Occupation Tax Act, Section 4.03
19 of the Regional Transportation Authority Act, and Section 6 of
20 the Hotel Operators' Occupation Tax Act, and shall pay such
21 amounts to the Fund for distribution by the public agency for
22 the time period ~~time period~~ required to ensure that the State's
23 distribution requirements under the Public-Private Partnership
24 for Civic and Transit Infrastructure Project Act are fully met.
25 As used in the Section, "private entity", "public-private
26 ~~private public~~ agreement", and "public agency" have meanings

1 provided in Section 25-10 of the Public-Private Partnership for
2 Civic and Transit Infrastructure Project Act.

3 (Source: P.A. 101-10, eff. 6-5-19; revised 7-22-19.)

4 (30 ILCS 105/8g)

5 Sec. 8g. Fund transfers.

6 (a) (Blank).

7 (b) (Blank).

8 (c) In addition to any other transfers that may be provided
9 for by law, on August 30 of each fiscal year's license period,
10 the Illinois Liquor Control Commission shall direct and the
11 State Comptroller and State Treasurer shall transfer from the
12 General Revenue Fund to the Youth Alcoholism and Substance
13 Abuse Prevention Fund an amount equal to the number of retail
14 liquor licenses issued for that fiscal year multiplied by \$50.

15 (d) The payments to programs required under subsection (d)
16 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall
17 be made, pursuant to appropriation, from the special funds
18 referred to in the statutes cited in that subsection, rather
19 than directly from the General Revenue Fund.

20 Beginning January 1, 2000, on the first day of each month,
21 or as soon as may be practical thereafter, the State
22 Comptroller shall direct and the State Treasurer shall transfer
23 from the General Revenue Fund to each of the special funds from
24 which payments are to be made under subsection (d) of Section
25 28.1 of the Illinois Horse Racing Act of 1975 an amount equal

1 to 1/12 of the annual amount required for those payments from
 2 that special fund, which annual amount shall not exceed the
 3 annual amount for those payments from that special fund for the
 4 calendar year 1998. The special funds to which transfers shall
 5 be made under this subsection (d) include, but are not
 6 necessarily limited to, the Agricultural Premium Fund; the
 7 Metropolitan Exposition, Auditorium and Office Building Fund;
 8 the Fair and Exposition Fund; the Illinois Standardbred
 9 Breeders Fund; the Illinois Thoroughbred Breeders Fund; and the
 10 Illinois Veterans' Rehabilitation Fund. Except for transfers
 11 attributable to prior fiscal years, during State fiscal year
 12 2020 only, no transfers shall be made from the General Revenue
 13 Fund to the Agricultural Premium Fund, the Fair and Exposition
 14 Fund, the Illinois Standardbred Breeders Fund, or the Illinois
 15 Thoroughbred Breeders Fund.

16 ~~(e) (Blank).~~

17 ~~(f) (Blank).~~

18 ~~(f 1) (Blank).~~

19 ~~(g) (Blank).~~

20 ~~(h) (Blank).~~

21 ~~(i) (Blank).~~

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23 ~~(j) (Blank).~~

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25 ~~(k) (Blank).~~

26 ~~(k 1) (Blank).~~

- 1 ~~(k-2) (Blank).~~
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- 12 ~~(vvv) (Blank).~~
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- 17 ~~(aaaa) (Blank).~~
- 18 ~~(bbbb) (Blank).~~
- 19 ~~(cccc) (Blank).~~
- 20 ~~(dddd) (Blank).~~
- 21 ~~(eeee) (Blank).~~

22 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
23 100-863, eff. 8-14-18; 101-10, eff. 6-5-19; revised 7-17-19.)

24 (30 ILCS 105/9.02) (from Ch. 127, par. 145c)
25 Sec. 9.02. Vouchers; signature; delegation; electronic

1 submission.

2 (a) (1) Any new contract or contract renewal in the amount
3 of \$250,000 or more in a fiscal year, or any order against a
4 master contract in the amount of \$250,000 or more in a fiscal
5 year, or any contract amendment or change to an existing
6 contract that increases the value of the contract to or by
7 \$250,000 or more in a fiscal year, shall be signed or approved
8 in writing by the chief executive officer of the agency or his
9 or her designee, and shall also be signed or approved in
10 writing by the agency's chief legal counsel or his or her
11 designee and chief fiscal officer or his or her designee. If
12 the agency does not have a chief legal counsel or a chief
13 fiscal officer, the chief executive officer of the agency shall
14 designate in writing a senior executive as the individual
15 responsible for signature or approval.

16 (2) No document identified in paragraph (1) may be filed
17 with the Comptroller, nor may any authorization for payment
18 pursuant to such documents be filed with the Comptroller, if
19 the required signatures or approvals are lacking.

20 (3) Any person who, with knowledge the signatures or
21 approvals required in paragraph (1) are lacking, either files
22 or directs another to file documents or payment authorizations
23 in violation of paragraph (2) shall be subject to discipline up
24 to and including discharge.

25 (4) Procurements shall not be artificially divided so as to
26 avoid the necessity of complying with paragraph (1).

1 (5) Each State agency shall develop and implement
2 procedures to ensure the necessary signatures or approvals are
3 obtained. Each State agency may establish, maintain and follow
4 procedures that are more restrictive than those required
5 herein.

6 (6) This subsection (a) applies to all State agencies as
7 defined in Section 1-7 of the Illinois State Auditing Act,
8 which includes without limitation the General Assembly and its
9 agencies. For purposes of this subsection (a), in the case of
10 the General Assembly, the "chief executive officer of the
11 agency" means (i) the Senate Operations Commission for Senate
12 general operations as provided in Section 4 of the General
13 Assembly Operations Act, (ii) the Speaker of the House of
14 Representatives for House general operations as provided in
15 Section 5 of the General Assembly Operations Act, (iii) the
16 Speaker of the House for majority leadership staff and
17 operations, (iv) the Minority Leader of the House for minority
18 leadership staff and operations, (v) the President of the
19 Senate for majority leadership staff and operations, (vi) the
20 Minority Leader of the Senate for minority staff and
21 operations, and (vii) the Joint Committee on Legislative
22 Support Services for the legislative support services agencies
23 as provided in the Legislative Commission Reorganization Act of
24 1984. For purposes of this subsection (a), in the case of
25 agencies, the "chief executive officer of the agency" means the
26 head of the agency.

1 (b) (1) Every voucher or corresponding balancing report, as
2 submitted by the agency or office in which it originates, shall
3 bear (i) the signature of the officer responsible for approving
4 and certifying vouchers under this Act and (ii) if authority to
5 sign the responsible officer's name has been properly
6 delegated, also the signature of the person actually signing
7 the voucher.

8 (2) When an officer delegates authority to approve and
9 certify vouchers, he shall send a copy of such authorization
10 containing the signature of the person to whom delegation is
11 made to each office that checks or approves such vouchers and
12 to the State Comptroller. Such delegation may be general or
13 limited. If the delegation is limited, the authorization shall
14 designate the particular types of vouchers that the person is
15 authorized to approve and certify.

16 (3) When any delegation of authority hereunder is revoked,
17 a copy of the revocation of authority shall be sent to the
18 Comptroller and to each office to which a copy of the
19 authorization was sent.

20 The Comptroller may require State agencies to maintain
21 signature documents and records of delegations of voucher
22 signature authority and revocations of those delegations,
23 instead of transmitting those documents to the Comptroller. The
24 Comptroller may inspect such documents and records at any time.

25 (c) The Comptroller may authorize the submission of
26 vouchers through electronic transmissions, on magnetic tape,

1 or otherwise.

2 (Source: P.A. 101-34, eff. 6-28-19; 101-359, eff. 8-9-19;
3 revised 9-12-19.)

4 (30 ILCS 105/25) (from Ch. 127, par. 161)

5 Sec. 25. Fiscal year limitations.

6 (a) All appropriations shall be available for expenditure
7 for the fiscal year or for a lesser period if the Act making
8 that appropriation so specifies. A deficiency or emergency
9 appropriation shall be available for expenditure only through
10 June 30 of the year when the Act making that appropriation is
11 enacted unless that Act otherwise provides.

12 (b) Outstanding liabilities as of June 30, payable from
13 appropriations which have otherwise expired, may be paid out of
14 the expiring appropriations during the 2-month period ending at
15 the close of business on August 31. Any service involving
16 professional or artistic skills or any personal services by an
17 employee whose compensation is subject to income tax
18 withholding must be performed as of June 30 of the fiscal year
19 in order to be considered an "outstanding liability as of June
20 30" that is thereby eligible for payment out of the expiring
21 appropriation.

22 (b-1) However, payment of tuition reimbursement claims
23 under Section 14-7.03 or 18-3 of the School Code may be made by
24 the State Board of Education from its appropriations for those
25 respective purposes for any fiscal year, even though the claims

1 reimbursed by the payment may be claims attributable to a prior
2 fiscal year, and payments may be made at the direction of the
3 State Superintendent of Education from the fund from which the
4 appropriation is made without regard to any fiscal year
5 limitations, except as required by subsection (j) of this
6 Section. Beginning on June 30, 2021, payment of tuition
7 reimbursement claims under Section 14-7.03 or 18-3 of the
8 School Code as of June 30, payable from appropriations that
9 have otherwise expired, may be paid out of the expiring
10 appropriation during the 4-month period ending at the close of
11 business on October 31.

12 (b-2) (Blank).

13 (b-2.5) (Blank).

14 (b-2.6) (Blank).

15 (b-2.6a) (Blank).

16 (b-2.6b) (Blank).

17 (b-2.6c) All outstanding liabilities as of June 30, 2019,
18 payable from appropriations that would otherwise expire at the
19 conclusion of the lapse period for fiscal year 2019, and
20 interest penalties payable on those liabilities under the State
21 Prompt Payment Act, may be paid out of the expiring
22 appropriations until December 31, 2019, without regard to the
23 fiscal year in which the payment is made, as long as vouchers
24 for the liabilities are received by the Comptroller no later
25 than October 31, 2019.

26 (b-2.7) For fiscal years 2012, 2013, 2014, 2018, 2019, and

1 2020, interest penalties payable under the State Prompt Payment
2 Act associated with a voucher for which payment is issued after
3 June 30 may be paid out of the next fiscal year's
4 appropriation. The future year appropriation must be for the
5 same purpose and from the same fund as the original payment. An
6 interest penalty voucher submitted against a future year
7 appropriation must be submitted within 60 days after the
8 issuance of the associated voucher, except that, for fiscal
9 year 2018 only, an interest penalty voucher submitted against a
10 future year appropriation must be submitted within 60 days of
11 June 5, 2019 (the effective date of Public Act 101-10) ~~this~~
12 ~~amendatory Act of the 101st General Assembly~~. The Comptroller
13 must issue the interest payment within 60 days after acceptance
14 of the interest voucher.

15 (b-3) Medical payments may be made by the Department of
16 Veterans' Affairs from its appropriations for those purposes
17 for any fiscal year, without regard to the fact that the
18 medical services being compensated for by such payment may have
19 been rendered in a prior fiscal year, except as required by
20 subsection (j) of this Section. Beginning on June 30, 2021,
21 medical payments payable from appropriations that have
22 otherwise expired may be paid out of the expiring appropriation
23 during the 4-month period ending at the close of business on
24 October 31.

25 (b-4) Medical payments and child care payments may be made
26 by the Department of Human Services (as successor to the

1 Department of Public Aid) from appropriations for those
2 purposes for any fiscal year, without regard to the fact that
3 the medical or child care services being compensated for by
4 such payment may have been rendered in a prior fiscal year; and
5 payments may be made at the direction of the Department of
6 Healthcare and Family Services (or successor agency) from the
7 Health Insurance Reserve Fund without regard to any fiscal year
8 limitations, except as required by subsection (j) of this
9 Section. Beginning on June 30, 2021, medical and child care
10 payments made by the Department of Human Services and payments
11 made at the discretion of the Department of Healthcare and
12 Family Services (or successor agency) from the Health Insurance
13 Reserve Fund and payable from appropriations that have
14 otherwise expired may be paid out of the expiring appropriation
15 during the 4-month period ending at the close of business on
16 October 31.

17 (b-5) Medical payments may be made by the Department of
18 Human Services from its appropriations relating to substance
19 abuse treatment services for any fiscal year, without regard to
20 the fact that the medical services being compensated for by
21 such payment may have been rendered in a prior fiscal year,
22 provided the payments are made on a fee-for-service basis
23 consistent with requirements established for Medicaid
24 reimbursement by the Department of Healthcare and Family
25 Services, except as required by subsection (j) of this Section.
26 Beginning on June 30, 2021, medical payments made by the

1 Department of Human Services relating to substance abuse
2 treatment services payable from appropriations that have
3 otherwise expired may be paid out of the expiring appropriation
4 during the 4-month period ending at the close of business on
5 October 31.

6 (b-6) (Blank).

7 (b-7) Payments may be made in accordance with a plan
8 authorized by paragraph (11) or (12) of Section 405-105 of the
9 Department of Central Management Services Law from
10 appropriations for those payments without regard to fiscal year
11 limitations.

12 (b-8) Reimbursements to eligible airport sponsors for the
13 construction or upgrading of Automated Weather Observation
14 Systems may be made by the Department of Transportation from
15 appropriations for those purposes for any fiscal year, without
16 regard to the fact that the qualification or obligation may
17 have occurred in a prior fiscal year, provided that at the time
18 the expenditure was made the project had been approved by the
19 Department of Transportation prior to June 1, 2012 and, as a
20 result of recent changes in federal funding formulas, can no
21 longer receive federal reimbursement.

22 (b-9) (Blank).

23 (c) Further, payments may be made by the Department of
24 Public Health and the Department of Human Services (acting as
25 successor to the Department of Public Health under the
26 Department of Human Services Act) from their respective

1 appropriations for grants for medical care to or on behalf of
2 premature and high-mortality risk infants and their mothers and
3 for grants for supplemental food supplies provided under the
4 United States Department of Agriculture Women, Infants and
5 Children Nutrition Program, for any fiscal year without regard
6 to the fact that the services being compensated for by such
7 payment may have been rendered in a prior fiscal year, except
8 as required by subsection (j) of this Section. Beginning on
9 June 30, 2021, payments made by the Department of Public Health
10 and the Department of Human Services from their respective
11 appropriations for grants for medical care to or on behalf of
12 premature and high-mortality risk infants and their mothers and
13 for grants for supplemental food supplies provided under the
14 United States Department of Agriculture Women, Infants and
15 Children Nutrition Program payable from appropriations that
16 have otherwise expired may be paid out of the expiring
17 appropriations during the 4-month period ending at the close of
18 business on October 31.

19 (d) The Department of Public Health and the Department of
20 Human Services (acting as successor to the Department of Public
21 Health under the Department of Human Services Act) shall each
22 annually submit to the State Comptroller, Senate President,
23 Senate Minority Leader, Speaker of the House, House Minority
24 Leader, and the respective Chairmen and Minority Spokesmen of
25 the Appropriations Committees of the Senate and the House, on
26 or before December 31, a report of fiscal year funds used to

1 pay for services provided in any prior fiscal year. This report
2 shall document by program or service category those
3 expenditures from the most recently completed fiscal year used
4 to pay for services provided in prior fiscal years.

5 (e) The Department of Healthcare and Family Services, the
6 Department of Human Services (acting as successor to the
7 Department of Public Aid), and the Department of Human Services
8 making fee-for-service payments relating to substance abuse
9 treatment services provided during a previous fiscal year shall
10 each annually submit to the State Comptroller, Senate
11 President, Senate Minority Leader, Speaker of the House, House
12 Minority Leader, the respective Chairmen and Minority
13 Spokesmen of the Appropriations Committees of the Senate and
14 the House, on or before November 30, a report that shall
15 document by program or service category those expenditures from
16 the most recently completed fiscal year used to pay for (i)
17 services provided in prior fiscal years and (ii) services for
18 which claims were received in prior fiscal years.

19 (f) The Department of Human Services (as successor to the
20 Department of Public Aid) shall annually submit to the State
21 Comptroller, Senate President, Senate Minority Leader, Speaker
22 of the House, House Minority Leader, and the respective
23 Chairmen and Minority Spokesmen of the Appropriations
24 Committees of the Senate and the House, on or before December
25 31, a report of fiscal year funds used to pay for services
26 (other than medical care) provided in any prior fiscal year.

1 This report shall document by program or service category those
2 expenditures from the most recently completed fiscal year used
3 to pay for services provided in prior fiscal years.

4 (g) In addition, each annual report required to be
5 submitted by the Department of Healthcare and Family Services
6 under subsection (e) shall include the following information
7 with respect to the State's Medicaid program:

8 (1) Explanations of the exact causes of the variance
9 between the previous year's estimated and actual
10 liabilities.

11 (2) Factors affecting the Department of Healthcare and
12 Family Services' liabilities, including, but not limited
13 to, numbers of aid recipients, levels of medical service
14 utilization by aid recipients, and inflation in the cost of
15 medical services.

16 (3) The results of the Department's efforts to combat
17 fraud and abuse.

18 (h) As provided in Section 4 of the General Assembly
19 Compensation Act, any utility bill for service provided to a
20 General Assembly member's district office for a period
21 including portions of 2 consecutive fiscal years may be paid
22 from funds appropriated for such expenditure in either fiscal
23 year.

24 (i) An agency which administers a fund classified by the
25 Comptroller as an internal service fund may issue rules for:

26 (1) billing user agencies in advance for payments or

1 authorized inter-fund transfers based on estimated charges
2 for goods or services;

3 (2) issuing credits, refunding through inter-fund
4 transfers, or reducing future inter-fund transfers during
5 the subsequent fiscal year for all user agency payments or
6 authorized inter-fund transfers received during the prior
7 fiscal year which were in excess of the final amounts owed
8 by the user agency for that period; and

9 (3) issuing catch-up billings to user agencies during
10 the subsequent fiscal year for amounts remaining due when
11 payments or authorized inter-fund transfers received from
12 the user agency during the prior fiscal year were less than
13 the total amount owed for that period.

14 User agencies are authorized to reimburse internal service
15 funds for catch-up billings by vouchers drawn against their
16 respective appropriations for the fiscal year in which the
17 catch-up billing was issued or by increasing an authorized
18 inter-fund transfer during the current fiscal year. For the
19 purposes of this Act, "inter-fund transfers" means transfers
20 without the use of the voucher-warrant process, as authorized
21 by Section 9.01 of the State Comptroller Act.

22 (i-1) Beginning on July 1, 2021, all outstanding
23 liabilities, not payable during the 4-month lapse period as
24 described in subsections (b-1), (b-3), (b-4), (b-5), ~~(b-6)~~, and
25 (c) of this Section, that are made from appropriations for that
26 purpose for any fiscal year, without regard to the fact that

1 the services being compensated for by those payments may have
2 been rendered in a prior fiscal year, are limited to only those
3 claims that have been incurred but for which a proper bill or
4 invoice as defined by the State Prompt Payment Act has not been
5 received by September 30th following the end of the fiscal year
6 in which the service was rendered.

7 (j) Notwithstanding any other provision of this Act, the
8 aggregate amount of payments to be made without regard for
9 fiscal year limitations as contained in subsections (b-1),
10 (b-3), (b-4), (b-5), ~~(b-6)~~, and (c) of this Section, and
11 determined by using Generally Accepted Accounting Principles,
12 shall not exceed the following amounts:

13 (1) \$6,000,000,000 for outstanding liabilities related
14 to fiscal year 2012;

15 (2) \$5,300,000,000 for outstanding liabilities related
16 to fiscal year 2013;

17 (3) \$4,600,000,000 for outstanding liabilities related
18 to fiscal year 2014;

19 (4) \$4,000,000,000 for outstanding liabilities related
20 to fiscal year 2015;

21 (5) \$3,300,000,000 for outstanding liabilities related
22 to fiscal year 2016;

23 (6) \$2,600,000,000 for outstanding liabilities related
24 to fiscal year 2017;

25 (7) \$2,000,000,000 for outstanding liabilities related
26 to fiscal year 2018;

1 (8) \$1,300,000,000 for outstanding liabilities related
2 to fiscal year 2019;

3 (9) \$600,000,000 for outstanding liabilities related
4 to fiscal year 2020; and

5 (10) \$0 for outstanding liabilities related to fiscal
6 year 2021 and fiscal years thereafter.

7 (k) Department of Healthcare and Family Services Medical
8 Assistance Payments.

9 (1) Definition of Medical Assistance.

10 For purposes of this subsection, the term "Medical
11 Assistance" shall include, but not necessarily be
12 limited to, medical programs and services authorized
13 under Titles XIX and XXI of the Social Security Act,
14 the Illinois Public Aid Code, the Children's Health
15 Insurance Program Act, the Covering ALL KIDS Health
16 Insurance Act, the Long Term Acute Care Hospital
17 Quality Improvement Transfer Program Act, and medical
18 care to or on behalf of persons suffering from chronic
19 renal disease, persons suffering from hemophilia, and
20 victims of sexual assault.

21 (2) Limitations on Medical Assistance payments that
22 may be paid from future fiscal year appropriations.

23 (A) The maximum amounts of annual unpaid Medical
24 Assistance bills received and recorded by the
25 Department of Healthcare and Family Services on or
26 before June 30th of a particular fiscal year

1 attributable in aggregate to the General Revenue Fund,
2 Healthcare Provider Relief Fund, Tobacco Settlement
3 Recovery Fund, Long-Term Care Provider Fund, and the
4 Drug Rebate Fund that may be paid in total by the
5 Department from future fiscal year Medical Assistance
6 appropriations to those funds are: \$700,000,000 for
7 fiscal year 2013 and \$100,000,000 for fiscal year 2014
8 and each fiscal year thereafter.

9 (B) Bills for Medical Assistance services rendered
10 in a particular fiscal year, but received and recorded
11 by the Department of Healthcare and Family Services
12 after June 30th of that fiscal year, may be paid from
13 either appropriations for that fiscal year or future
14 fiscal year appropriations for Medical Assistance.
15 Such payments shall not be subject to the requirements
16 of subparagraph (A).

17 (C) Medical Assistance bills received by the
18 Department of Healthcare and Family Services in a
19 particular fiscal year, but subject to payment amount
20 adjustments in a future fiscal year may be paid from a
21 future fiscal year's appropriation for Medical
22 Assistance. Such payments shall not be subject to the
23 requirements of subparagraph (A).

24 (D) Medical Assistance payments made by the
25 Department of Healthcare and Family Services from
26 funds other than those specifically referenced in

1 subparagraph (A) may be made from appropriations for
2 those purposes for any fiscal year without regard to
3 the fact that the Medical Assistance services being
4 compensated for by such payment may have been rendered
5 in a prior fiscal year. Such payments shall not be
6 subject to the requirements of subparagraph (A).

7 (3) Extended lapse period for Department of Healthcare
8 and Family Services Medical Assistance payments.
9 Notwithstanding any other State law to the contrary,
10 outstanding Department of Healthcare and Family Services
11 Medical Assistance liabilities, as of June 30th, payable
12 from appropriations which have otherwise expired, may be
13 paid out of the expiring appropriations during the 6-month
14 period ending at the close of business on December 31st.

15 (1) The changes to this Section made by Public Act 97-691
16 shall be effective for payment of Medical Assistance bills
17 incurred in fiscal year 2013 and future fiscal years. The
18 changes to this Section made by Public Act 97-691 shall not be
19 applied to Medical Assistance bills incurred in fiscal year
20 2012 or prior fiscal years.

21 (m) The Comptroller must issue payments against
22 outstanding liabilities that were received prior to the lapse
23 period deadlines set forth in this Section as soon thereafter
24 as practical, but no payment may be issued after the 4 months
25 following the lapse period deadline without the signed
26 authorization of the Comptroller and the Governor.

1 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
2 101-10, eff. 6-5-19; 101-275, eff. 8-9-19; revised 9-12-19.)

3 Section 155. The General Obligation Bond Act is amended by
4 changing Section 19 as follows:

5 (30 ILCS 330/19) (from Ch. 127, par. 669)

6 Sec. 19. Investment of money not needed for current
7 expenditures; application of earnings ~~Money Not Needed for~~
8 ~~Current Expenditures~~ ~~Application of Earnings.~~

9 (a) The State Treasurer may, with the Governor's approval,
10 invest and reinvest any money from the Capital Development
11 Fund, the Transportation Bond, Series A Fund, the
12 Transportation Bond, Series B Fund, the Multi-modal
13 Transportation Bond Fund, the School Construction Fund, the
14 Anti-Pollution Fund, the Coal Development Fund and the General
15 Obligation Bond Retirement and Interest Fund, in the State
16 Treasury, which is not needed for current expenditures due or
17 about to become due from these funds.

18 (b) Monies received from the sale or redemption of
19 investments from the Transportation Bond, Series A Fund and the
20 Multi-modal Transportation Bond Fund shall be deposited by the
21 State Treasurer in the Road Fund.

22 Monies received from the sale or redemption of investments
23 from the Capital Development Fund, the Transportation Bond,
24 Series B Fund, the School Construction Fund, the Anti-Pollution

1 Fund, and the Coal Development Fund shall be deposited by the
2 State Treasurer in the General Revenue Fund.

3 Monies from the sale or redemption of investments from the
4 General Obligation Bond Retirement and Interest Fund shall be
5 deposited in the General Obligation Bond Retirement and
6 Interest Fund.

7 (c) Monies from the Capital Development Fund, the
8 Transportation Bond, Series A Fund, the Transportation Bond,
9 Series B Fund, the Multi-modal Transportation Bond Fund, the
10 School Construction Fund, the Anti-Pollution Fund, and the Coal
11 Development Fund may be invested as permitted in the Deposit of
12 State Moneys Act ~~"AN ACT in relation to State moneys", approved~~
13 ~~June 28, 1919, as amended~~ and in the Public Funds Investment
14 Act ~~"AN ACT relating to certain investments of public funds by~~
15 ~~public agencies", approved July 23, 1943, as amended~~. Monies
16 from the General Obligation Bond Retirement and Interest Fund
17 may be invested in securities constituting direct obligations
18 of the United States Government, or obligations, the principal
19 of and interest on which are guaranteed by the United States
20 Government, or certificates of deposit of any state or national
21 bank or savings and loan association. For amounts not insured
22 by the Federal Deposit Insurance Corporation or the Federal
23 Savings and Loan Insurance Corporation, as security the State
24 Treasurer shall accept securities constituting direct
25 obligations of the United States Government, or obligations,
26 the principal of and interest on which are guaranteed by the

1 United States Government.

2 (d) Accrued interest paid to the State at the time of the
3 delivery of the Bonds shall be deposited into the General
4 Obligation Bond Retirement and Interest Fund in the State
5 Treasury.

6 (Source: P.A. 101-30, eff. 6-28-19; revised 8-13-19.)

7 Section 160. The Illinois Procurement Code is amended by
8 changing Sections 1-10 and 45-35 and by setting forth,
9 renumbering, and changing multiple versions of Section 1-35 as
10 follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which
14 bidders, offerors, potential contractors, or contractors were
15 first solicited on or after July 1, 1998. This Code shall not
16 be construed to affect or impair any contract, or any provision
17 of a contract, entered into based on a solicitation prior to
18 the implementation date of this Code as described in Article
19 99, including but not limited to any covenant entered into
20 with respect to any revenue bonds or similar instruments. All
21 procurements for which contracts are solicited between the
22 effective date of Articles 50 and 99 and July 1, 1998 shall be
23 substantially in accordance with this Code and its intent.

24 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political
4 subdivisions or other governments, or between State
5 governmental bodies, except as specifically provided in
6 this Code.

7 (2) Grants, except for the filing requirements of
8 Section 20-80.

9 (3) Purchase of care, except as provided in Section
10 5-30.6 of the Illinois Public Aid Code and this Section.

11 (4) Hiring of an individual as employee and not as an
12 independent contractor, whether pursuant to an employment
13 code or policy or by contract directly with that
14 individual.

15 (5) Collective bargaining contracts.

16 (6) Purchase of real estate, except that notice of this
17 type of contract with a value of more than \$25,000 must be
18 published in the Procurement Bulletin within 10 calendar
19 days after the deed is recorded in the county of
20 jurisdiction. The notice shall identify the real estate
21 purchased, the names of all parties to the contract, the
22 value of the contract, and the effective date of the
23 contract.

24 (7) Contracts necessary to prepare for anticipated
25 litigation, enforcement actions, or investigations,
26 provided that the chief legal counsel to the Governor shall

1 give his or her prior approval when the procuring agency is
2 one subject to the jurisdiction of the Governor, and
3 provided that the chief legal counsel of any other
4 procuring entity subject to this Code shall give his or her
5 prior approval when the procuring entity is not one subject
6 to the jurisdiction of the Governor.

7 (8) (Blank).

8 (9) Procurement expenditures by the Illinois
9 Conservation Foundation when only private funds are used.

10 (10) (Blank).

11 (11) Public-private agreements entered into according
12 to the procurement requirements of Section 20 of the
13 Public-Private Partnerships for Transportation Act and
14 design-build agreements entered into according to the
15 procurement requirements of Section 25 of the
16 Public-Private Partnerships for Transportation Act.

17 (12) Contracts for legal, financial, and other
18 professional and artistic services entered into on or
19 before December 31, 2018 by the Illinois Finance Authority
20 in which the State of Illinois is not obligated. Such
21 contracts shall be awarded through a competitive process
22 authorized by the Board of the Illinois Finance Authority
23 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
24 50-35, and 50-37 of this Code, as well as the final
25 approval by the Board of the Illinois Finance Authority of
26 the terms of the contract.

1 (13) Contracts for services, commodities, and
2 equipment to support the delivery of timely forensic
3 science services in consultation with and subject to the
4 approval of the Chief Procurement Officer as provided in
5 subsection (d) of Section 5-4-3a of the Unified Code of
6 Corrections, except for the requirements of Sections
7 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
8 Code; however, the Chief Procurement Officer may, in
9 writing with justification, waive any certification
10 required under Article 50 of this Code. For any contracts
11 for services which are currently provided by members of a
12 collective bargaining agreement, the applicable terms of
13 the collective bargaining agreement concerning
14 subcontracting shall be followed.

15 On and after January 1, 2019, this paragraph (13),
16 except for this sentence, is inoperative.

17 (14) Contracts for participation expenditures required
18 by a domestic or international trade show or exhibition of
19 an exhibitor, member, or sponsor.

20 (15) Contracts with a railroad or utility that requires
21 the State to reimburse the railroad or utilities for the
22 relocation of utilities for construction or other public
23 purpose. Contracts included within this paragraph (15)
24 shall include, but not be limited to, those associated
25 with: relocations, crossings, installations, and
26 maintenance. For the purposes of this paragraph (15),

1 "railroad" means any form of non-highway ground
2 transportation that runs on rails or electromagnetic
3 guideways and "utility" means: (1) public utilities as
4 defined in Section 3-105 of the Public Utilities Act, (2)
5 telecommunications carriers as defined in Section 13-202
6 of the Public Utilities Act, (3) electric cooperatives as
7 defined in Section 3.4 of the Electric Supplier Act, (4)
8 telephone or telecommunications cooperatives as defined in
9 Section 13-212 of the Public Utilities Act, (5) rural water
10 or waste water systems with 10,000 connections or less, (6)
11 a holder as defined in Section 21-201 of the Public
12 Utilities Act, and (7) municipalities owning or operating
13 utility systems consisting of public utilities as that term
14 is defined in Section 11-117-2 of the Illinois Municipal
15 Code.

16 (16) Procurement expenditures necessary for the
17 Department of Public Health to provide the delivery of
18 timely newborn screening services in accordance with the
19 Newborn Metabolic Screening Act.

20 (17) Procurement expenditures necessary for the
21 Department of Agriculture, the Department of Financial and
22 Professional Regulation, the Department of Human Services,
23 and the Department of Public Health to implement the
24 Compassionate Use of Medical Cannabis Program and Opioid
25 Alternative Pilot Program requirements and ensure access
26 to medical cannabis for patients with debilitating medical

1 conditions in accordance with the Compassionate Use of
2 Medical Cannabis Program Act.

3 (18) This Code does not apply to any procurements
4 necessary for the Department of Agriculture, the
5 Department of Financial and Professional Regulation, the
6 Department of Human Services, the Department of Commerce
7 and Economic Opportunity, and the Department of Public
8 Health to implement the Cannabis Regulation and Tax Act if
9 the applicable agency has made a good faith determination
10 that it is necessary and appropriate for the expenditure to
11 fall within this exemption and if the process is conducted
12 in a manner substantially in accordance with the
13 requirements of Sections 20-160, 25-60, 30-22, 50-5,
14 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
15 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
16 Section 50-35, compliance applies only to contracts or
17 subcontracts over \$100,000. Notice of each contract
18 entered into under this paragraph (18) that is related to
19 the procurement of goods and services identified in
20 paragraph (1) through (9) of this subsection shall be
21 published in the Procurement Bulletin within 14 calendar
22 days after contract execution. The Chief Procurement
23 Officer shall prescribe the form and content of the notice.
24 Each agency shall provide the Chief Procurement Officer, on
25 a monthly basis, in the form and content prescribed by the
26 Chief Procurement Officer, a report of contracts that are

1 related to the procurement of goods and services identified
2 in this subsection. At a minimum, this report shall include
3 the name of the contractor, a description of the supply or
4 service provided, the total amount of the contract, the
5 term of the contract, and the exception to this Code
6 utilized. A copy of any or all of these contracts shall be
7 made available to the Chief Procurement Officer
8 immediately upon request. The Chief Procurement Officer
9 shall submit a report to the Governor and General Assembly
10 no later than November 1 of each year that includes, at a
11 minimum, an annual summary of the monthly information
12 reported to the Chief Procurement Officer. This exemption
13 becomes inoperative 5 years after June 25, 2019 (the
14 effective date of Public Act 101-27) ~~this amendatory Act of~~
15 ~~the 101st General Assembly.~~

16 Notwithstanding any other provision of law, for contracts
17 entered into on or after October 1, 2017 under an exemption
18 provided in any paragraph of this subsection (b), except
19 paragraph (1), (2), or (5), each State agency shall post to the
20 appropriate procurement bulletin the name of the contractor, a
21 description of the supply or service provided, the total amount
22 of the contract, the term of the contract, and the exception to
23 the Code utilized. The chief procurement officer shall submit a
24 report to the Governor and General Assembly no later than
25 November 1 of each year that shall include, at a minimum, an
26 annual summary of the monthly information reported to the chief

1 procurement officer.

2 (c) This Code does not apply to the electric power
3 procurement process provided for under Section 1-75 of the
4 Illinois Power Agency Act and Section 16-111.5 of the Public
5 Utilities Act.

6 (d) Except for Section 20-160 and Article 50 of this Code,
7 and as expressly required by Section 9.1 of the Illinois
8 Lottery Law, the provisions of this Code do not apply to the
9 procurement process provided for under Section 9.1 of the
10 Illinois Lottery Law.

11 (e) This Code does not apply to the process used by the
12 Capital Development Board to retain a person or entity to
13 assist the Capital Development Board with its duties related to
14 the determination of costs of a clean coal SNG brownfield
15 facility, as defined by Section 1-10 of the Illinois Power
16 Agency Act, as required in subsection (h-3) of Section 9-220 of
17 the Public Utilities Act, including calculating the range of
18 capital costs, the range of operating and maintenance costs, or
19 the sequestration costs or monitoring the construction of clean
20 coal SNG brownfield facility for the full duration of
21 construction.

22 (f) (Blank).

23 (g) (Blank).

24 (h) This Code does not apply to the process to procure or
25 contracts entered into in accordance with Sections 11-5.2 and
26 11-5.3 of the Illinois Public Aid Code.

1 (i) Each chief procurement officer may access records
2 necessary to review whether a contract, purchase, or other
3 expenditure is or is not subject to the provisions of this
4 Code, unless such records would be subject to attorney-client
5 privilege.

6 (j) This Code does not apply to the process used by the
7 Capital Development Board to retain an artist or work or works
8 of art as required in Section 14 of the Capital Development
9 Board Act.

10 (k) This Code does not apply to the process to procure
11 contracts, or contracts entered into, by the State Board of
12 Elections or the State Electoral Board for hearing officers
13 appointed pursuant to the Election Code.

14 (l) This Code does not apply to the processes used by the
15 Illinois Student Assistance Commission to procure supplies and
16 services paid for from the private funds of the Illinois
17 Prepaid Tuition Fund. As used in this subsection (l), "private
18 funds" means funds derived from deposits paid into the Illinois
19 Prepaid Tuition Trust Fund and the earnings thereon.

20 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
21 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
22 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
23 9-17-19.)

24 (30 ILCS 500/1-35)

25 (Section scheduled to be repealed on July 17, 2021)

1 Sec. 1-35. Application to Quincy Veterans' Home. This Code
2 does not apply to any procurements related to the renovation,
3 restoration, rehabilitation, or rebuilding of the Quincy
4 Veterans' Home under the Quincy Veterans' Home Rehabilitation
5 and Rebuilding Act, provided that the process shall be
6 conducted in a manner substantially in accordance with the
7 requirements of the following Sections of this ~~the Illinois~~
8 ~~Procurement~~ Code: 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5,
9 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38,
10 and 50-50; however, for Section 50-35, compliance shall apply
11 only to contracts or subcontracts over \$100,000.

12 This Section is repealed 3 years after becoming law.
13 (Source: P.A. 100-610, eff. 7-17-18; revised 4-25-19.)

14 (30 ILCS 500/1-40)

15 Sec. 1-40 ~~1-35~~. Application to James R. Thompson Center. In
16 accordance with Section 7.4 of the State Property Control Act,
17 this Code does not apply to any procurements related to the
18 sale of the James R. Thompson Center, provided that the process
19 shall be conducted in a manner substantially in accordance with
20 the requirements of the following Sections of this ~~the Illinois~~
21 ~~Procurement~~ Code: 20-160, 50-5, 50-10, 50-10.5, 50-12, 50-13,
22 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50. The
23 exemption contained in this Section does not apply to any
24 leases involving the James R. Thompson Center, including a
25 leaseback authorized under Section 7.4 of the State Property

1 Control Act.

2 (Source: P.A. 100-1184, eff. 4-5-19; revised 4-25-19.)

3 (30 ILCS 500/45-35)

4 Sec. 45-35. Not-for-profit agencies for persons with
5 significant disabilities.

6 (a) Qualification. Supplies and services may be procured
7 without advertising or calling for bids from any qualified
8 not-for-profit agency for persons with significant
9 disabilities that:

10 (1) complies with Illinois laws governing private
11 not-for-profit organizations;

12 (2) is certified as a work center by the Wage and Hour
13 Division of the United States Department of Labor or is an
14 accredited vocational program that provides transition
15 services to youth between the ages of 14 1/2 and 22 in
16 accordance with individualized education plans under
17 Section 14-8.03 of the School Code and that provides
18 residential services at a child care institution, as
19 defined under Section 2.06 of the Child Care Act of 1969,
20 or at a group home, as defined under Section 2.16 of the
21 Child Care Act of 1969; and

22 (3) is accredited by a nationally-recognized
23 accrediting organization or certified as a developmental
24 training provider by the Department of Human Services.

25 (b) Participation. To participate, the not-for-profit

1 agency must have indicated an interest in providing the
2 supplies and services, must meet the specifications and needs
3 of the using agency, and must set a fair and reasonable price.

4 (c) Committee. There is created within the Department of
5 Central Management Services a committee to facilitate the
6 purchase of products and services of persons with a significant
7 physical, developmental, or mental disability or a combination
8 of any of those disabilities who cannot engage in normal
9 competitive employment due to the significant disability or
10 combination of those disabilities. This committee is called the
11 State Use Committee. The State Use Committee shall consist of
12 the Director of the Department of Central Management Services
13 or his or her designee, the Secretary ~~Director~~ of the
14 Department of Human Services or his or her designee, one public
15 member representing private business who is knowledgeable of
16 the employment needs and concerns of persons with developmental
17 disabilities, one public member representing private business
18 who is knowledgeable of the needs and concerns of
19 rehabilitation facilities, one public member who is
20 knowledgeable of the employment needs and concerns of persons
21 with developmental disabilities, one public member who is
22 knowledgeable of the needs and concerns of rehabilitation
23 facilities, and 2 public members from a statewide association
24 that represents community-based rehabilitation facilities, all
25 appointed by the Governor. The public members shall serve 2
26 year terms, commencing upon appointment and every 2 years

1 thereafter. A public member may be reappointed, and vacancies
2 shall be filled by appointment for the completion of the term.
3 In the event there is a vacancy on the State Use Committee, the
4 Governor must make an appointment to fill that vacancy within
5 30 calendar days after the notice of vacancy. The members shall
6 serve without compensation but shall be reimbursed for expenses
7 at a rate equal to that of State employees on a per diem basis
8 by the Department of Central Management Services. All members
9 shall be entitled to vote on issues before the State Use
10 Committee.

11 The State Use Committee shall have the following powers and
12 duties:

13 (1) To request from any State agency information as to
14 product specification and service requirements in order to
15 carry out its purpose.

16 (2) To meet quarterly or more often as necessary to
17 carry out its purposes.

18 (3) To request a quarterly report from each
19 participating qualified not-for-profit agency for persons
20 with significant disabilities describing the volume of
21 sales for each product or service sold under this Section.

22 (4) To prepare a report for the Governor and General
23 Assembly no later than December 31 of each year. The
24 requirement for reporting to the General Assembly shall be
25 satisfied by following the procedures set forth in Section
26 3.1 of the General Assembly Organization Act.

1 (5) To prepare a publication that lists all supplies
2 and services currently available from any qualified
3 not-for-profit agency for persons with significant
4 disabilities. This list and any revisions shall be
5 distributed to all purchasing agencies.

6 (6) To encourage diversity in supplies and services
7 provided by qualified not-for-profit agencies for persons
8 with significant disabilities and discourage unnecessary
9 duplication or competition among not-for-profit agencies.

10 (7) To develop guidelines to be followed by qualifying
11 agencies for participation under the provisions of this
12 Section. Guidelines shall include a list of national
13 accrediting organizations which satisfy the requirements
14 of item (3) of subsection (a) of this Section. The
15 guidelines shall be developed within 6 months after the
16 effective date of this Code and made available on a
17 nondiscriminatory basis to all qualifying agencies. The
18 new guidelines required under this item (7) by Public Act
19 100-203 ~~this amendatory Act of the 100th General Assembly~~
20 shall be developed within 6 months after August 18, 2017
21 (the effective date of Public Act 100-203) ~~this amendatory~~
22 ~~Act of the 100th General Assembly~~ and made available on a
23 non-discriminatory basis to all qualifying not-for-profit
24 agencies.

25 (8) To review all pricing submitted under the
26 provisions of this Section and may approve a proposed

1 agreement for supplies or services where the price
2 submitted is fair and reasonable.

3 (9) To, not less than every 3 years, adopt a strategic
4 plan for increasing the number of products and services
5 purchased from qualified not-for-profit agencies for
6 persons with significant disabilities, including the
7 feasibility of developing mandatory set-aside contracts.

8 (c-5) Conditions for Use. Each chief procurement officer
9 shall, in consultation with the State Use Committee, determine
10 which articles, materials, services, food stuffs, and supplies
11 that are produced, manufactured, or provided by persons with
12 significant disabilities in qualified not-for-profit agencies
13 shall be given preference by purchasing agencies procuring
14 those items.

15 (d) (Blank).

16 (e) Subcontracts. Subcontracts shall be permitted for
17 agreements authorized under this Section. For the purposes of
18 this subsection (e), "subcontract" means any acquisition from
19 another source of supplies, not including raw materials, or
20 services required by a qualified not-for-profit agency to
21 provide the supplies or services that are the subject of the
22 contract between the State and the qualified not-for-profit
23 agency.

24 The State Use Committee shall develop guidelines to be
25 followed by qualified not-for-profit agencies when seeking and
26 establishing subcontracts with other persons or not-for-profit

1 agencies in order to fulfill State contract requirements. These
2 guidelines shall include the following:

3 (i) The State Use Committee must approve all
4 subcontracts and substantive amendments to subcontracts
5 prior to execution or amendment of the subcontract.

6 (ii) A qualified not-for-profit agency shall not enter
7 into a subcontract, or any combination of subcontracts, to
8 fulfill an entire requirement, contract, or order without
9 written State Use Committee approval.

10 (iii) A qualified not-for-profit agency shall make
11 reasonable efforts to utilize subcontracts with other
12 not-for-profit agencies for persons with significant
13 disabilities.

14 (iv) For any subcontract not currently performed by a
15 qualified not-for-profit agency, the primary qualified
16 not-for-profit agency must provide to the State Use
17 Committee the following: (A) a written explanation as to
18 why the subcontract is not performed by a qualified
19 not-for-profit agency, and (B) a written plan to transfer
20 the subcontract to a qualified not-for-profit agency, as
21 reasonable.

22 (Source: P.A. 100-203, eff. 8-18-17; revised 7-18-19.)

23 Section 165. The Public-Private Partnership for Civic and
24 Transit Infrastructure Project Act is amended by changing the
25 heading of Article 25 and Sections 25-10, 25-20, 25-40, 25-45,

1 25-50, and 25-55 as follows:

2 (30 ILCS 558/Art. 25 heading)

3 Article 25. Public-Private ~~Private-Public~~ Partnership

4 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

5 (30 ILCS 558/25-10)

6 Sec. 25-10. Definitions. As used in this Act:

7 "Civic and Transit Infrastructure Project" or "civic
8 build" or "Project" means civic infrastructure, whether
9 publicly or privately owned, located in the City of Chicago,
10 generally within the boundaries of East 14th Street; extending
11 east to Lake Shore Drive; south to McCormick Place's North
12 Building; west to the outer boundary of the McCormick Place
13 busway and, where it extends farther west, the St. Charles
14 Airline; northwest to South Indiana Avenue; north to East 15th
15 Place; east to the McCormick Place busway; and north to East
16 14th Street, in total comprising approximately 34 acres,
17 including, without limitation: (1) streets, roadways,
18 pedestrian ways, commuter linkages and circulator transit
19 systems, bridges, tunnels, overpasses, bus ways, and guideways
20 connected to or adjacent to the Project; (2) utilities systems
21 and related facilities, utility relocations and replacements,
22 utility-line extensions, network and communication systems,
23 streetscape improvements, drainage systems, sewer and water
24 systems, subgrade structures and associated improvements; (3)

1 landscaping, facade construction and restoration, wayfinding,
2 and signage; (4) public transportation and transit facilities
3 and related infrastructure, vehicle parking facilities, and
4 other facilities that encourage intermodal transportation and
5 public transit connected to or adjacent to the Project; (5)
6 railroad infrastructure, stations, maintenance and storage
7 facilities; (6) parks, plazas, atriums, civic and cultural
8 facilities, community and recreational facilities, facilities
9 to promote tourism and hospitality, educational facilities,
10 conferencing and conventions, broadcast and related multimedia
11 infrastructure, destination and community retail, dining and
12 entertainment facilities; and (7) other facilities with the
13 primary purpose of attracting and fostering economic
14 development within the area of the Civic and Transit
15 Infrastructure Project by generating additional tax base, all
16 as agreed upon in a public-private ~~public-private~~ agreement.
17 "Civic build" includes any improvements or substantial
18 enhancements or modifications to civic infrastructure located
19 on or connected or adjacent to the Civic and Transit
20 Infrastructure Project. "Civic Build" does not include
21 commercial office, residential, or hotel facilities, or any
22 retail, dining, and entertainment included within such
23 facilities as part of a private build, constructed on or
24 adjacent to the civic build.

25 "Civic build cost" means all costs of the civic build, as
26 specified in the public-private agreement, and includes,

1 without limitation, the cost of the following activities as
2 part of the Civic and Transit Infrastructure Project: (1)
3 acquiring or leasing real property, including air rights, and
4 other assets associated with the Project; (2) demolishing,
5 repairing, or rehabilitating buildings; (3) remediating land
6 and buildings as required to prepare the property for
7 development; (4) installing, constructing, or reconstructing,
8 elements of civic infrastructure required to support the
9 overall Project, including, without limitation, streets,
10 roadways, pedestrian ways and commuter linkages, utilities
11 systems and related facilities, utility relocations and
12 replacements, network and communication systems, streetscape
13 improvements, drainage systems, sewer and water systems,
14 subgrade structures and associated improvements, landscaping,
15 facade construction and restoration, wayfinding and signage,
16 and other components of community infrastructure; (5)
17 acquiring, constructing or reconstructing, and equipping
18 transit stations, parking facilities, and other facilities
19 that encourage intermodal transportation and public transit;
20 (6) installing, constructing or reconstructing, and equipping
21 core elements of civic infrastructure to promote and encourage
22 economic development, including, without limitation, parks,
23 cultural facilities, community and recreational facilities,
24 facilities to promote tourism and hospitality, educational
25 facilities, conferencing and conventions, broadcast and
26 related multimedia infrastructure, destination and community

1 retail, dining and entertainment facilities, and other
2 facilities with the primary purpose of attracting and fostering
3 economic development within the area by generating a new tax
4 base; (7) providing related improvements, including, without
5 limitation, excavation, earth retention, soil stabilization
6 and correction, site improvements, and future capital
7 improvements and expenses; (8) planning, engineering, legal,
8 marketing, development, insurance, finance, and other related
9 professional services and costs associated with the civic
10 build; and (9) the commissioning or operational start-up of any
11 component of the civic build.

12 "Develop" or "development" means to do one or more of the
13 following: plan, design, develop, lease, acquire, install,
14 construct, reconstruct, repair, rehabilitate, replace, or
15 extend the Civic and Transit Infrastructure Project as provided
16 under this Act.

17 "Maintain" or "maintenance" includes ordinary maintenance,
18 repair, rehabilitation, capital maintenance, maintenance
19 replacement, and other categories of maintenance that may be
20 designated by the public-private agreement for the Civic and
21 Transit Infrastructure Project as provided under this Act.

22 "Operate" or "operation" means to do one or more of the
23 following: maintain, improve, equip, modify, or otherwise
24 operate the Civic and Transit Infrastructure Project as
25 provided under this Act.

26 "Private build" means all commercial, industrial or

1 residential facilities, or property that is not included in the
2 definition of civic build. The private build may include
3 commercial office, residential, educational, health and
4 wellness, or hotel facilities constructed on or adjacent to the
5 civic build, and retail, dining, and entertainment facilities
6 that are not included as part of the civic build under the
7 public-private agreement.

8 "Private entity" means any private entity associated with
9 the Civic and Transit Infrastructure Project at the time of
10 execution and delivery of a public-private agreement, and its
11 successors or assigns. The private entity may enter into a
12 public-private agreement with the public agency on behalf of
13 the State for the development, financing, construction,
14 operational, or management of the Civic and Transit
15 Infrastructure Project under this Act.

16 "Public agency" means the Governor's Office of Management
17 and Budget.

18 "Public-private ~~Public-private~~ agreement" or "agreement"
19 means one or more agreements or contracts entered into between
20 the public agency on behalf of the State and private entity,
21 and all schedules, exhibits, and attachments thereto, entered
22 into under this Act for the development, financing,
23 construction, operation, or management of the Civic and Transit
24 Infrastructure Project, whereby the private entity will
25 develop, finance, construct, own, operate, and manage the
26 Project for a definite term in return for the right to receive

1 the revenues generated from the Project and other required
2 payments from the State, including, but not limited to, a
3 portion of the State sales taxes, as provided under this Act.

4 "Revenues" means all revenues, including, but not limited
5 to, income user fees; ticket fees; earnings, interest, lease
6 payments, allocations, moneys from the federal government,
7 grants, loans, lines of credit, credit guarantees, bond
8 proceeds, equity investments, service payments, or other
9 receipts arising out of or in connection with the financing,
10 development, construction, operation, and management of the
11 Project under this Act. "Revenues" does not include the State
12 payments to the Civic and Transit Infrastructure Fund as
13 required under this Act.

14 "State" means the State of Illinois.

15 "User fees" means the tolls, rates, fees, or other charges
16 imposed by the State or private entity for use of all or part
17 of the civic build.

18 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

19 (30 ILCS 558/25-20)

20 Sec. 25-20. Provisions of the public-private agreement.
21 The public-private agreement shall include at a minimum all of
22 the following provisions:

23 (1) the term of the public-private ~~public-private~~
24 agreement;

25 (2) a detailed description of the civic build,

1 including the retail, dining, and entertainment components
2 of the civic build and a general description of the
3 anticipated future private build;

4 (3) the powers, duties, responsibilities, obligations,
5 and functions of the public agency and private entity;

6 (4) compensation or payments, including any
7 reimbursement for work performed and goods or services
8 provided, if any, owed to the public agency as the
9 administrator of the public-private agreement on behalf of
10 the State, as specified in the public-private agreement;

11 (5) compensation or payments to the private entity for
12 civic build costs, plus any required debt service payments
13 for the civic build, debt service reserves or sinking
14 funds, financing costs, payments for operation and
15 management of the civic build, payments representing the
16 reasonable return on the private equity investment in the
17 civic build, and payments in respect of the public use of
18 private land, air rights, or other real property interests
19 for the civic build;

20 (6) a provision granting the private entity with the
21 express authority to structure, negotiate, and execute
22 contracts and subcontracts with third parties to enable the
23 private entity to carry out its duties, responsibilities
24 and obligations under this Act relating to the development,
25 financing, construction, management, and operation of the
26 civic build;

1 (7) a provision imposing an affirmative duty on the
2 private entity to provide the public agency with any
3 information the private entity reasonably believes the
4 public agency would need related to the civic build to
5 enable the public agency to exercise its powers, carry out
6 its duties, responsibilities, and obligations, and perform
7 its functions under this Act or the public-private
8 agreement;

9 (8) a provision requiring the private entity to provide
10 the public agency with advance notice of any decision that
11 has a material adverse impact on the public interest
12 related to the civic build so that the public agency has a
13 reasonable opportunity to evaluate that decision;

14 (9) a requirement that the public agency monitor and
15 oversee the civic build and take action that the public
16 agency considers appropriate to ensure that the private
17 entity is in compliance with the terms of the
18 public-private ~~public-private~~ agreement;

19 (10) the authority to impose user fees and the amounts
20 of those fees, if applicable, related to the civic build
21 subject to agreement with the private entity;

22 (11) a provision stating that the private entity shall
23 have the right to all revenues generated from the civic
24 build until such time that the State takes ownership over
25 the civic build, at which point the State shall have the
26 right to all revenues generated from the civic build,

1 except as set forth in Section 25-45 ~~45~~;

2 (12) a provision governing the rights to real and
3 personal property of the State, the public agency, the
4 private entity, and other third parties, if applicable,
5 relating to the civic build, including, but not limited to,
6 a provision relating to the State's ability to exercise an
7 option to purchase the civic build at varying milestones of
8 the Project agreed to amongst the parties in the
9 public-private ~~public-private~~ agreement and consistent
10 with Section 25-45 ~~45~~ of this Act;

11 (13) a provision regarding the implementation and
12 delivery of certain progress reports related to cost,
13 timelines, deadlines, and scheduling of the civic build;

14 (14) procedural requirements for obtaining the prior
15 approval of the public agency when rights that are the
16 subject of the public-private agreement relating to the
17 civic build, including, but not limited to, development
18 rights, construction rights, property rights, and rights
19 to certain revenues, are sold, assigned, transferred, or
20 pledged as collateral to secure financing or for any other
21 reason;

22 (15) grounds for termination of the public-private
23 agreement by the public agency and the private entity;

24 (16) review of plans, including development,
25 construction, management, or operations plans by the
26 public agency related to the civic build;

1 (17) inspections by the public agency, including
2 inspections of construction work and improvements, related
3 to the civic build;

4 (18) rights and remedies of the public agency in the
5 event that the private entity defaults or otherwise fails
6 to comply with the terms of the public-private agreement
7 and the rights and remedies of the private entity in the
8 event that the public agency defaults or otherwise fails to
9 comply with the terms of the public-private agreement;

10 (19) a code of ethics for the private entity's officers
11 and employees;

12 (20) maintenance of public liability insurance or
13 other insurance requirements related to the civic build;

14 (21) provisions governing grants and loans, including
15 those received, or anticipated to be received, from the
16 federal government or any agency or instrumentality of the
17 federal government or from any State or local agency;

18 (22) the private entity's targeted business and
19 workforce participation program to meet the State's
20 utilization goals for business enterprises and workforce
21 involving minorities, women, persons with disabilities,
22 and veterans;

23 (23) a provision regarding the rights of the public
24 agency and the State following completion of the civic
25 build and transfer to the State consistent with Section
26 25-45 ~~45~~ of this Act;

1 (24) a provision detailing the Project's projected
2 long-range economic impacts, including projections of new
3 spending, construction jobs, and permanent, full-time
4 equivalent jobs;

5 (25) a provision detailing the Project's projected
6 support for regional and statewide transit impacts,
7 transportation mode shifts, and increased transit
8 ridership;

9 (26) a provision detailing the Project's projected
10 impact on increased convention and events visitation;

11 (27) procedures for amendment to the public-private
12 agreement;

13 (28) a provision detailing the processes and
14 procedures that will be followed for contracts and
15 purchases for the civic build; and

16 (29) all other terms, conditions, and provisions
17 acceptable to the public agency that the public agency
18 deems necessary and proper and in the best interest of the
19 State and the public.

20 (Source: P.A. 101-10, eff. 6-5-19; revised 7-22-19.)

21 (30 ILCS 558/25-40)

22 Sec. 25-40. Financial arrangements.

23 (a) The public agency may apply for, execute, or endorse
24 applications submitted by the private entity to obtain federal,
25 State, or local credit assistance to develop, maintain, or

1 operate the Project.

2 (b) The private entity may take any action to obtain
3 federal, State, or local assistance for the civic build that
4 serves the public purpose of this Act and may enter into any
5 contracts required to receive the assistance. The public agency
6 shall take all reasonable steps to support action by the
7 private entity to obtain federal, State, or local assistance
8 for the civic build. The assistance may include, but not be
9 limited to, federal credit assistance pursuant to Railroad
10 Rehabilitation and Improvement Financing and the
11 Transportation Infrastructure Finance and Innovation Act. In
12 the event the private entity obtains federal, State, or local
13 assistance for the civic build that serves the public purpose
14 of this Act, the financial assistance shall reduce the State's
15 required payments under this Act on terms as mutually agreed to
16 by the parties in the public-private agreement.

17 (c) Any financing of the civic build costs may be in the
18 amounts and subject to the terms and conditions contained in
19 the public-private agreement.

20 (d) For the purpose of financing or refinancing the civic
21 build costs, the private entity and the public agency may do
22 the following: (1) enter into grant agreements; (2) accept
23 grants from any public or private agency or entity; (3) receive
24 the required payments from the State under this Act; and (4)
25 receive any other payments or monies permitted under this Act
26 or agreed to by the parties in the public-private agreement.

1 (e) For the purpose of financing or refinancing the civic
2 build, public funds may be used and mixed and aggregated with
3 private funds provided by or on behalf of the private entity or
4 other private entities. However, that the required payments
5 from the State under Sections 25-50 ~~50~~ and 25-55 ~~55~~ of this Act
6 shall be solely used for civic build costs, plus debt service
7 requirements of the civic build, debt service reserves or
8 sinking funds, financing costs, payments for operation and
9 management of the civic build, payments representing the
10 reasonable return on the private equity investment in the civic
11 build, and payments in respect of the public use of private
12 land, air rights, or other real property interests for the
13 civic build, if applicable.

14 (f) The public agency is authorized to facilitate conduit
15 tax-exempt or taxable debt financing, if agreed to between the
16 public agency and the private entity.

17 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

18 (30 ILCS 558/25-45)

19 Sec. 25-45. Term of agreement; transfer of the civic build
20 to the State. Following the completion of the Project and the
21 termination of the public-private agreement, the private
22 entity's authority and duties under the public-private
23 agreement shall cease, except for those duties and obligations
24 that extend beyond the termination, as set forth in the
25 public-private ~~public-private~~ agreement, which may include

1 ongoing management and operations of the civic build, and all
2 interests and ownership in the civic build shall transfer to
3 the State; provided that the State has made all required
4 payments to the private entity as required under this Act and
5 the public-private agreement. The State may also exercise an
6 option to not accept its interest and ownership in the civic
7 build. In the event the State exercises its option to not
8 accept its interest and ownership in the civic build, the
9 private entity shall maintain its interest and ownership in the
10 civic build and shall have the authority to maintain, further
11 develop, encumber, or sell the civic build consistent with its
12 authority as the owner of the civic build. In the event the
13 State exercises its option to have its interest and ownership
14 in the civic build after all required payments have been made
15 to the private entity consistent with the public-private
16 agreement and this Act, the private entity shall have the
17 authority to enter into an operating agreement with the public
18 agency, on such terms that are reasonable and customary for
19 operating agreements, to operate and manage the civic build for
20 an annual operator fee and payment from the State representing
21 a portion of the net operating income of the civic build as
22 further defined and described in the public-private ~~public~~
23 ~~private~~ agreement between the private entity and the public
24 agency.

25 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

1 (30 ILCS 558/25-50)

2 Sec. 25-50. Payment to the private entity.

3 (a) Notwithstanding anything in the public-private ~~public~~
4 ~~private~~ agreement to the contrary: (1) the civic build cost
5 shall not exceed a total of \$3,800,000,000; and (2) no State
6 equity payment shall be made prior to State fiscal year 2024 or
7 prior to completion of the civic build.

8 (b) The public agency shall be required to take all steps
9 necessary to facilitate the required payments to the Civic and
10 Transit Infrastructure Fund as set forth in Section 3 of the
11 Retailers' Occupation Tax and Section 8.25g of the State
12 Finance Act.

13 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

14 (30 ILCS 558/25-55)

15 Sec. 25-55. The Civic and Transit Infrastructure Fund. The
16 Civic and Transit Infrastructure Fund is created as a special
17 fund in the State Treasury. All moneys transferred to the Civic
18 and Transit Infrastructure Fund pursuant to Section 8.25g of
19 the State Finance Act, Section 3 of the Retailers' Occupation
20 Act, and this Act shall be used only for the purposes
21 authorized by and subject to the limitations and conditions of
22 this Act and the public-private ~~public-private~~ agreement
23 entered into by private entity and the public agency on behalf
24 of the State. All payments required under such Acts shall be
25 direct, limited obligations of the State of Illinois payable

1 solely from and secured by an irrevocable, first priority
2 pledge of and lien on moneys on deposit in the Civic and
3 Transit Infrastructure Fund. The State of Illinois hereby
4 pledges the applicable sales tax revenues consistent with the
5 State Finance Act and this Act for the time period provided in
6 the public-private ~~public-private~~ agreement between the
7 private entity and the Authority, on behalf of the State.
8 Moneys in the Civic and Transit Infrastructure Fund shall be
9 utilized by the public agency on behalf of the State to pay the
10 private entity for the development, financing, construction,
11 operation and management of the civic and transit
12 infrastructure project consistent with this Act and the
13 public-private ~~public-private~~ agreement. Investment income, if
14 any, which is attributable to the investment of moneys in the
15 Civic and Transit Infrastructure Fund shall be retained in the
16 Fund for any required payment to the private entity under this
17 Act and the public-private ~~public-private~~ agreement.

18 (Source: P.A. 101-10, eff. 6-5-19; revised 7-22-19.)

19 Section 170. The State Property Control Act is amended by
20 setting forth, renumbering, and changing multiple versions of
21 Section 7.7 as follows:

22 (30 ILCS 605/7.7)

23 Sec. 7.7. Michael A. Bilandic Building.

24 (a) On or prior to the disposition of the James R. Thompson

1 Center the existing executive offices of the Governor,
2 Lieutenant Governor, Secretary of State, Comptroller, and
3 Treasurer shall be relocated in the Michael A. Bilandic
4 Building located at 160 North LaSalle Street, Chicago,
5 Illinois. An officer shall occupy the designated space on the
6 same terms and conditions applicable on April 5, 2019 (the
7 effective date of Public Act 100-1184) ~~this amendatory Act of~~
8 ~~the 100th General Assembly~~. An executive officer may choose to
9 locate in alternative offices within the City of Chicago.

10 (b) The four caucuses of the General Assembly shall be
11 given space within the Michael A. Bilandic Building. Any caucus
12 located in the building on or prior to April 5, 2019 (the
13 effective date of Public Act 100-1184) ~~this amendatory Act of~~
14 ~~the 100th General Assembly~~ shall continue to occupy their
15 designated space on the same terms and conditions applicable on
16 April 5, 2019 (the effective date of Public Act 100-1184) ~~this~~
17 ~~amendatory Act of the 100th General Assembly~~.

18 (Source: P.A. 100-1184, eff. 4-5-19; revised 9-24-19.)

19 (30 ILCS 605/7.8)

20 Sec. 7.8 ~~7.7~~. Public university surplus real estate.

21 (a) Notwithstanding any other provision of this Act or any
22 other law to the contrary, the Board of Trustees of any public
23 institution of higher education in this State, as defined in
24 subsection (d), is authorized to dispose of surplus real estate
25 of that public institution of higher education as provided

1 under subsection (b).

2 (b) The Board of Trustees of any public institution of
3 higher education in this State may sell, lease, or otherwise
4 transfer and convey all or part of real estate deemed by the
5 Board to be surplus real estate, together with the improvements
6 situated thereon, to a bona fide purchaser for value and on
7 such terms as the Board shall determine are in the best
8 interests of that public institution of higher education and
9 consistent with that institution's objects and purposes.

10 (c) A Board of Trustees disposing of surplus real estate
11 may retain the proceeds from the sale, lease, or other transfer
12 of all or any part of the real estate deemed surplus real
13 estate under subsection (b), including the improvements
14 situated thereon, in a separate account in the treasury of the
15 public institution of higher education for the purpose of
16 deferred maintenance and emergency repair of institution
17 property. The Auditor General shall examine the separate
18 account to ensure the use or deposit of the proceeds authorized
19 under this subsection (c) in a manner consistent with the
20 stated purpose.

21 (d) For the purposes of this Section, "public institution
22 of higher education" or "institution" means the University of
23 Illinois; Southern Illinois University; Chicago State
24 University; Eastern Illinois University; Governors State
25 University; Illinois State University; Northeastern Illinois
26 University; Northern Illinois University; Western Illinois

1 University; and any other public universities, now or hereafter
2 established or authorized by the General Assembly.

3 (Source: P.A. 101-213, eff. 8-7-19; revised 9-24-19.)

4 Section 175. The Park and Recreational Facility
5 Construction Act of 2009 is amended by changing Section 10-1 as
6 follows:

7 (30 ILCS 764/10-1)

8 Sec. 10-1. Short title. This Article ~~Act~~ may be cited as
9 the Park and Recreational Facility Construction Act of 2009.
10 References in this Article to "this Act" mean this Article.

11 (Source: P.A. 96-820, eff. 11-18-09; revised 7-18-19.)

12 Section 180. The Illinois Income Tax Act is amended by
13 changing Sections 201, 201.1, 203, 304, 701, and 901 and by
14 setting forth and renumbering multiple versions of Section 229
15 as follows:

16 (35 ILCS 5/201)

17 (Text of Section before amendment by P.A. 101-8)

18 Sec. 201. Tax imposed.

19 (a) In general. A tax measured by net income is hereby
20 imposed on every individual, corporation, trust and estate for
21 each taxable year ending after July 31, 1969 on the privilege
22 of earning or receiving income in or as a resident of this

1 State. Such tax shall be in addition to all other occupation or
2 privilege taxes imposed by this State or by any municipal
3 corporation or political subdivision thereof.

4 (b) Rates. The tax imposed by subsection (a) of this
5 Section shall be determined as follows, except as adjusted by
6 subsection (d-1):

7 (1) In the case of an individual, trust or estate, for
8 taxable years ending prior to July 1, 1989, an amount equal
9 to 2 1/2% of the taxpayer's net income for the taxable
10 year.

11 (2) In the case of an individual, trust or estate, for
12 taxable years beginning prior to July 1, 1989 and ending
13 after June 30, 1989, an amount equal to the sum of (i) 2
14 1/2% of the taxpayer's net income for the period prior to
15 July 1, 1989, as calculated under Section 202.3, and (ii)
16 3% of the taxpayer's net income for the period after June
17 30, 1989, as calculated under Section 202.3.

18 (3) In the case of an individual, trust or estate, for
19 taxable years beginning after June 30, 1989, and ending
20 prior to January 1, 2011, an amount equal to 3% of the
21 taxpayer's net income for the taxable year.

22 (4) In the case of an individual, trust, or estate, for
23 taxable years beginning prior to January 1, 2011, and
24 ending after December 31, 2010, an amount equal to the sum
25 of (i) 3% of the taxpayer's net income for the period prior
26 to January 1, 2011, as calculated under Section 202.5, and

1 (ii) 5% of the taxpayer's net income for the period after
2 December 31, 2010, as calculated under Section 202.5.

3 (5) In the case of an individual, trust, or estate, for
4 taxable years beginning on or after January 1, 2011, and
5 ending prior to January 1, 2015, an amount equal to 5% of
6 the taxpayer's net income for the taxable year.

7 (5.1) In the case of an individual, trust, or estate,
8 for taxable years beginning prior to January 1, 2015, and
9 ending after December 31, 2014, an amount equal to the sum
10 of (i) 5% of the taxpayer's net income for the period prior
11 to January 1, 2015, as calculated under Section 202.5, and
12 (ii) 3.75% of the taxpayer's net income for the period
13 after December 31, 2014, as calculated under Section 202.5.

14 (5.2) In the case of an individual, trust, or estate,
15 for taxable years beginning on or after January 1, 2015,
16 and ending prior to July 1, 2017, an amount equal to 3.75%
17 of the taxpayer's net income for the taxable year.

18 (5.3) In the case of an individual, trust, or estate,
19 for taxable years beginning prior to July 1, 2017, and
20 ending after June 30, 2017, an amount equal to the sum of
21 (i) 3.75% of the taxpayer's net income for the period prior
22 to July 1, 2017, as calculated under Section 202.5, and
23 (ii) 4.95% of the taxpayer's net income for the period
24 after June 30, 2017, as calculated under Section 202.5.

25 (5.4) In the case of an individual, trust, or estate,
26 for taxable years beginning on or after July 1, 2017, an

1 amount equal to 4.95% of the taxpayer's net income for the
2 taxable year.

3 (6) In the case of a corporation, for taxable years
4 ending prior to July 1, 1989, an amount equal to 4% of the
5 taxpayer's net income for the taxable year.

6 (7) In the case of a corporation, for taxable years
7 beginning prior to July 1, 1989 and ending after June 30,
8 1989, an amount equal to the sum of (i) 4% of the
9 taxpayer's net income for the period prior to July 1, 1989,
10 as calculated under Section 202.3, and (ii) 4.8% of the
11 taxpayer's net income for the period after June 30, 1989,
12 as calculated under Section 202.3.

13 (8) In the case of a corporation, for taxable years
14 beginning after June 30, 1989, and ending prior to January
15 1, 2011, an amount equal to 4.8% of the taxpayer's net
16 income for the taxable year.

17 (9) In the case of a corporation, for taxable years
18 beginning prior to January 1, 2011, and ending after
19 December 31, 2010, an amount equal to the sum of (i) 4.8%
20 of the taxpayer's net income for the period prior to
21 January 1, 2011, as calculated under Section 202.5, and
22 (ii) 7% of the taxpayer's net income for the period after
23 December 31, 2010, as calculated under Section 202.5.

24 (10) In the case of a corporation, for taxable years
25 beginning on or after January 1, 2011, and ending prior to
26 January 1, 2015, an amount equal to 7% of the taxpayer's

1 net income for the taxable year.

2 (11) In the case of a corporation, for taxable years
3 beginning prior to January 1, 2015, and ending after
4 December 31, 2014, an amount equal to the sum of (i) 7% of
5 the taxpayer's net income for the period prior to January
6 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
7 of the taxpayer's net income for the period after December
8 31, 2014, as calculated under Section 202.5.

9 (12) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2015, and ending prior to
11 July 1, 2017, an amount equal to 5.25% of the taxpayer's
12 net income for the taxable year.

13 (13) In the case of a corporation, for taxable years
14 beginning prior to July 1, 2017, and ending after June 30,
15 2017, an amount equal to the sum of (i) 5.25% of the
16 taxpayer's net income for the period prior to July 1, 2017,
17 as calculated under Section 202.5, and (ii) 7% of the
18 taxpayer's net income for the period after June 30, 2017,
19 as calculated under Section 202.5.

20 (14) In the case of a corporation, for taxable years
21 beginning on or after July 1, 2017, an amount equal to 7%
22 of the taxpayer's net income for the taxable year.

23 The rates under this subsection (b) are subject to the
24 provisions of Section 201.5.

25 (b-5) Surcharge; sale or exchange of assets, properties,
26 and intangibles of organization gaming licensees. For each of

1 taxable years 2019 through 2027, a surcharge is imposed on all
2 taxpayers on income arising from the sale or exchange of
3 capital assets, depreciable business property, real property
4 used in the trade or business, and Section 197 intangibles (i)
5 of an organization licensee under the Illinois Horse Racing Act
6 of 1975 and (ii) of an organization gaming licensee under the
7 Illinois Gambling Act. The amount of the surcharge is equal to
8 the amount of federal income tax liability for the taxable year
9 attributable to those sales and exchanges. The surcharge
10 imposed shall not apply if:

11 (1) the organization gaming license, organization
12 license, or racetrack property is transferred as a result
13 of any of the following:

14 (A) bankruptcy, a receivership, or a debt
15 adjustment initiated by or against the initial
16 licensee or the substantial owners of the initial
17 licensee;

18 (B) cancellation, revocation, or termination of
19 any such license by the Illinois Gaming Board or the
20 Illinois Racing Board;

21 (C) a determination by the Illinois Gaming Board
22 that transfer of the license is in the best interests
23 of Illinois gaming;

24 (D) the death of an owner of the equity interest in
25 a licensee;

26 (E) the acquisition of a controlling interest in

1 the stock or substantially all of the assets of a
2 publicly traded company;

3 (F) a transfer by a parent company to a wholly
4 owned subsidiary; or

5 (G) the transfer or sale to or by one person to
6 another person where both persons were initial owners
7 of the license when the license was issued; or

8 (2) the controlling interest in the organization
9 gaming license, organization license, or racetrack
10 property is transferred in a transaction to lineal
11 descendants in which no gain or loss is recognized or as a
12 result of a transaction in accordance with Section 351 of
13 the Internal Revenue Code in which no gain or loss is
14 recognized; or

15 (3) live horse racing was not conducted in 2010 at a
16 racetrack located within 3 miles of the Mississippi River
17 under a license issued pursuant to the Illinois Horse
18 Racing Act of 1975.

19 The transfer of an organization gaming license,
20 organization license, or racetrack property by a person other
21 than the initial licensee to receive the organization gaming
22 license is not subject to a surcharge. The Department shall
23 adopt rules necessary to implement and administer this
24 subsection.

25 (c) Personal Property Tax Replacement Income Tax.
26 Beginning on July 1, 1979 and thereafter, in addition to such

1 income tax, there is also hereby imposed the Personal Property
2 Tax Replacement Income Tax measured by net income on every
3 corporation (including Subchapter S corporations), partnership
4 and trust, for each taxable year ending after June 30, 1979.
5 Such taxes are imposed on the privilege of earning or receiving
6 income in or as a resident of this State. The Personal Property
7 Tax Replacement Income Tax shall be in addition to the income
8 tax imposed by subsections (a) and (b) of this Section and in
9 addition to all other occupation or privilege taxes imposed by
10 this State or by any municipal corporation or political
11 subdivision thereof.

12 (d) Additional Personal Property Tax Replacement Income
13 Tax Rates. The personal property tax replacement income tax
14 imposed by this subsection and subsection (c) of this Section
15 in the case of a corporation, other than a Subchapter S
16 corporation and except as adjusted by subsection (d-1), shall
17 be an additional amount equal to 2.85% of such taxpayer's net
18 income for the taxable year, except that beginning on January
19 1, 1981, and thereafter, the rate of 2.85% specified in this
20 subsection shall be reduced to 2.5%, and in the case of a
21 partnership, trust or a Subchapter S corporation shall be an
22 additional amount equal to 1.5% of such taxpayer's net income
23 for the taxable year.

24 (d-1) Rate reduction for certain foreign insurers. In the
25 case of a foreign insurer, as defined by Section 35A-5 of the
26 Illinois Insurance Code, whose state or country of domicile

1 imposes on insurers domiciled in Illinois a retaliatory tax
2 (excluding any insurer whose premiums from reinsurance assumed
3 are 50% or more of its total insurance premiums as determined
4 under paragraph (2) of subsection (b) of Section 304, except
5 that for purposes of this determination premiums from
6 reinsurance do not include premiums from inter-affiliate
7 reinsurance arrangements), beginning with taxable years ending
8 on or after December 31, 1999, the sum of the rates of tax
9 imposed by subsections (b) and (d) shall be reduced (but not
10 increased) to the rate at which the total amount of tax imposed
11 under this Act, net of all credits allowed under this Act,
12 shall equal (i) the total amount of tax that would be imposed
13 on the foreign insurer's net income allocable to Illinois for
14 the taxable year by such foreign insurer's state or country of
15 domicile if that net income were subject to all income taxes
16 and taxes measured by net income imposed by such foreign
17 insurer's state or country of domicile, net of all credits
18 allowed or (ii) a rate of zero if no such tax is imposed on such
19 income by the foreign insurer's state of domicile. For the
20 purposes of this subsection (d-1), an inter-affiliate includes
21 a mutual insurer under common management.

22 (1) For the purposes of subsection (d-1), in no event
23 shall the sum of the rates of tax imposed by subsections
24 (b) and (d) be reduced below the rate at which the sum of:

25 (A) the total amount of tax imposed on such foreign
26 insurer under this Act for a taxable year, net of all

1 credits allowed under this Act, plus

2 (B) the privilege tax imposed by Section 409 of the
3 Illinois Insurance Code, the fire insurance company
4 tax imposed by Section 12 of the Fire Investigation
5 Act, and the fire department taxes imposed under
6 Section 11-10-1 of the Illinois Municipal Code,
7 equals 1.25% for taxable years ending prior to December 31,
8 2003, or 1.75% for taxable years ending on or after
9 December 31, 2003, of the net taxable premiums written for
10 the taxable year, as described by subsection (1) of Section
11 409 of the Illinois Insurance Code. This paragraph will in
12 no event increase the rates imposed under subsections (b)
13 and (d).

14 (2) Any reduction in the rates of tax imposed by this
15 subsection shall be applied first against the rates imposed
16 by subsection (b) and only after the tax imposed by
17 subsection (a) net of all credits allowed under this
18 Section other than the credit allowed under subsection (i)
19 has been reduced to zero, against the rates imposed by
20 subsection (d).

21 This subsection (d-1) is exempt from the provisions of
22 Section 250.

23 (e) Investment credit. A taxpayer shall be allowed a credit
24 against the Personal Property Tax Replacement Income Tax for
25 investment in qualified property.

26 (1) A taxpayer shall be allowed a credit equal to .5%

1 of the basis of qualified property placed in service during
2 the taxable year, provided such property is placed in
3 service on or after July 1, 1984. There shall be allowed an
4 additional credit equal to .5% of the basis of qualified
5 property placed in service during the taxable year,
6 provided such property is placed in service on or after
7 July 1, 1986, and the taxpayer's base employment within
8 Illinois has increased by 1% or more over the preceding
9 year as determined by the taxpayer's employment records
10 filed with the Illinois Department of Employment Security.
11 Taxpayers who are new to Illinois shall be deemed to have
12 met the 1% growth in base employment for the first year in
13 which they file employment records with the Illinois
14 Department of Employment Security. The provisions added to
15 this Section by Public Act 85-1200 (and restored by Public
16 Act 87-895) shall be construed as declaratory of existing
17 law and not as a new enactment. If, in any year, the
18 increase in base employment within Illinois over the
19 preceding year is less than 1%, the additional credit shall
20 be limited to that percentage times a fraction, the
21 numerator of which is .5% and the denominator of which is
22 1%, but shall not exceed .5%. The investment credit shall
23 not be allowed to the extent that it would reduce a
24 taxpayer's liability in any tax year below zero, nor may
25 any credit for qualified property be allowed for any year
26 other than the year in which the property was placed in

1 service in Illinois. For tax years ending on or after
2 December 31, 1987, and on or before December 31, 1988, the
3 credit shall be allowed for the tax year in which the
4 property is placed in service, or, if the amount of the
5 credit exceeds the tax liability for that year, whether it
6 exceeds the original liability or the liability as later
7 amended, such excess may be carried forward and applied to
8 the tax liability of the 5 taxable years following the
9 excess credit years if the taxpayer (i) makes investments
10 which cause the creation of a minimum of 2,000 full-time
11 equivalent jobs in Illinois, (ii) is located in an
12 enterprise zone established pursuant to the Illinois
13 Enterprise Zone Act and (iii) is certified by the
14 Department of Commerce and Community Affairs (now
15 Department of Commerce and Economic Opportunity) as
16 complying with the requirements specified in clause (i) and
17 (ii) by July 1, 1986. The Department of Commerce and
18 Community Affairs (now Department of Commerce and Economic
19 Opportunity) shall notify the Department of Revenue of all
20 such certifications immediately. For tax years ending
21 after December 31, 1988, the credit shall be allowed for
22 the tax year in which the property is placed in service,
23 or, if the amount of the credit exceeds the tax liability
24 for that year, whether it exceeds the original liability or
25 the liability as later amended, such excess may be carried
26 forward and applied to the tax liability of the 5 taxable

1 years following the excess credit years. The credit shall
2 be applied to the earliest year for which there is a
3 liability. If there is credit from more than one tax year
4 that is available to offset a liability, earlier credit
5 shall be applied first.

6 (2) The term "qualified property" means property
7 which:

8 (A) is tangible, whether new or used, including
9 buildings and structural components of buildings and
10 signs that are real property, but not including land or
11 improvements to real property that are not a structural
12 component of a building such as landscaping, sewer
13 lines, local access roads, fencing, parking lots, and
14 other appurtenances;

15 (B) is depreciable pursuant to Section 167 of the
16 Internal Revenue Code, except that "3-year property"
17 as defined in Section 168(c)(2)(A) of that Code is not
18 eligible for the credit provided by this subsection
19 (e);

20 (C) is acquired by purchase as defined in Section
21 179(d) of the Internal Revenue Code;

22 (D) is used in Illinois by a taxpayer who is
23 primarily engaged in manufacturing, or in mining coal
24 or fluorite, or in retailing, or was placed in service
25 on or after July 1, 2006 in a River Edge Redevelopment
26 Zone established pursuant to the River Edge

1 Redevelopment Zone Act; and

2 (E) has not previously been used in Illinois in
3 such a manner and by such a person as would qualify for
4 the credit provided by this subsection (e) or
5 subsection (f).

6 (3) For purposes of this subsection (e),
7 "manufacturing" means the material staging and production
8 of tangible personal property by procedures commonly
9 regarded as manufacturing, processing, fabrication, or
10 assembling which changes some existing material into new
11 shapes, new qualities, or new combinations. For purposes of
12 this subsection (e) the term "mining" shall have the same
13 meaning as the term "mining" in Section 613(c) of the
14 Internal Revenue Code. For purposes of this subsection (e),
15 the term "retailing" means the sale of tangible personal
16 property for use or consumption and not for resale, or
17 services rendered in conjunction with the sale of tangible
18 personal property for use or consumption and not for
19 resale. For purposes of this subsection (e), "tangible
20 personal property" has the same meaning as when that term
21 is used in the Retailers' Occupation Tax Act, and, for
22 taxable years ending after December 31, 2008, does not
23 include the generation, transmission, or distribution of
24 electricity.

25 (4) The basis of qualified property shall be the basis
26 used to compute the depreciation deduction for federal

1 income tax purposes.

2 (5) If the basis of the property for federal income tax
3 depreciation purposes is increased after it has been placed
4 in service in Illinois by the taxpayer, the amount of such
5 increase shall be deemed property placed in service on the
6 date of such increase in basis.

7 (6) The term "placed in service" shall have the same
8 meaning as under Section 46 of the Internal Revenue Code.

9 (7) If during any taxable year, any property ceases to
10 be qualified property in the hands of the taxpayer within
11 48 months after being placed in service, or the situs of
12 any qualified property is moved outside Illinois within 48
13 months after being placed in service, the Personal Property
14 Tax Replacement Income Tax for such taxable year shall be
15 increased. Such increase shall be determined by (i)
16 recomputing the investment credit which would have been
17 allowed for the year in which credit for such property was
18 originally allowed by eliminating such property from such
19 computation and, (ii) subtracting such recomputed credit
20 from the amount of credit previously allowed. For the
21 purposes of this paragraph (7), a reduction of the basis of
22 qualified property resulting from a redetermination of the
23 purchase price shall be deemed a disposition of qualified
24 property to the extent of such reduction.

25 (8) Unless the investment credit is extended by law,
26 the basis of qualified property shall not include costs

1 incurred after December 31, 2018, except for costs incurred
2 pursuant to a binding contract entered into on or before
3 December 31, 2018.

4 (9) Each taxable year ending before December 31, 2000,
5 a partnership may elect to pass through to its partners the
6 credits to which the partnership is entitled under this
7 subsection (e) for the taxable year. A partner may use the
8 credit allocated to him or her under this paragraph only
9 against the tax imposed in subsections (c) and (d) of this
10 Section. If the partnership makes that election, those
11 credits shall be allocated among the partners in the
12 partnership in accordance with the rules set forth in
13 Section 704(b) of the Internal Revenue Code, and the rules
14 promulgated under that Section, and the allocated amount of
15 the credits shall be allowed to the partners for that
16 taxable year. The partnership shall make this election on
17 its Personal Property Tax Replacement Income Tax return for
18 that taxable year. The election to pass through the credits
19 shall be irrevocable.

20 For taxable years ending on or after December 31, 2000,
21 a partner that qualifies its partnership for a subtraction
22 under subparagraph (I) of paragraph (2) of subsection (d)
23 of Section 203 or a shareholder that qualifies a Subchapter
24 S corporation for a subtraction under subparagraph (S) of
25 paragraph (2) of subsection (b) of Section 203 shall be
26 allowed a credit under this subsection (e) equal to its

1 share of the credit earned under this subsection (e) during
2 the taxable year by the partnership or Subchapter S
3 corporation, determined in accordance with the
4 determination of income and distributive share of income
5 under Sections 702 and 704 and Subchapter S of the Internal
6 Revenue Code. This paragraph is exempt from the provisions
7 of Section 250.

8 (f) Investment credit; Enterprise Zone; River Edge
9 Redevelopment Zone.

10 (1) A taxpayer shall be allowed a credit against the
11 tax imposed by subsections (a) and (b) of this Section for
12 investment in qualified property which is placed in service
13 in an Enterprise Zone created pursuant to the Illinois
14 Enterprise Zone Act or, for property placed in service on
15 or after July 1, 2006, a River Edge Redevelopment Zone
16 established pursuant to the River Edge Redevelopment Zone
17 Act. For partners, shareholders of Subchapter S
18 corporations, and owners of limited liability companies,
19 if the liability company is treated as a partnership for
20 purposes of federal and State income taxation, there shall
21 be allowed a credit under this subsection (f) to be
22 determined in accordance with the determination of income
23 and distributive share of income under Sections 702 and 704
24 and Subchapter S of the Internal Revenue Code. The credit
25 shall be .5% of the basis for such property. The credit
26 shall be available only in the taxable year in which the

1 property is placed in service in the Enterprise Zone or
2 River Edge Redevelopment Zone and shall not be allowed to
3 the extent that it would reduce a taxpayer's liability for
4 the tax imposed by subsections (a) and (b) of this Section
5 to below zero. For tax years ending on or after December
6 31, 1985, the credit shall be allowed for the tax year in
7 which the property is placed in service, or, if the amount
8 of the credit exceeds the tax liability for that year,
9 whether it exceeds the original liability or the liability
10 as later amended, such excess may be carried forward and
11 applied to the tax liability of the 5 taxable years
12 following the excess credit year. The credit shall be
13 applied to the earliest year for which there is a
14 liability. If there is credit from more than one tax year
15 that is available to offset a liability, the credit
16 accruing first in time shall be applied first.

17 (2) The term qualified property means property which:

18 (A) is tangible, whether new or used, including
19 buildings and structural components of buildings;

20 (B) is depreciable pursuant to Section 167 of the
21 Internal Revenue Code, except that "3-year property"
22 as defined in Section 168(c) (2) (A) of that Code is not
23 eligible for the credit provided by this subsection
24 (f);

25 (C) is acquired by purchase as defined in Section
26 179(d) of the Internal Revenue Code;

1 (D) is used in the Enterprise Zone or River Edge
2 Redevelopment Zone by the taxpayer; and

3 (E) has not been previously used in Illinois in
4 such a manner and by such a person as would qualify for
5 the credit provided by this subsection (f) or
6 subsection (e).

7 (3) The basis of qualified property shall be the basis
8 used to compute the depreciation deduction for federal
9 income tax purposes.

10 (4) If the basis of the property for federal income tax
11 depreciation purposes is increased after it has been placed
12 in service in the Enterprise Zone or River Edge
13 Redevelopment Zone by the taxpayer, the amount of such
14 increase shall be deemed property placed in service on the
15 date of such increase in basis.

16 (5) The term "placed in service" shall have the same
17 meaning as under Section 46 of the Internal Revenue Code.

18 (6) If during any taxable year, any property ceases to
19 be qualified property in the hands of the taxpayer within
20 48 months after being placed in service, or the situs of
21 any qualified property is moved outside the Enterprise Zone
22 or River Edge Redevelopment Zone within 48 months after
23 being placed in service, the tax imposed under subsections
24 (a) and (b) of this Section for such taxable year shall be
25 increased. Such increase shall be determined by (i)
26 recomputing the investment credit which would have been

1 allowed for the year in which credit for such property was
2 originally allowed by eliminating such property from such
3 computation, and (ii) subtracting such recomputed credit
4 from the amount of credit previously allowed. For the
5 purposes of this paragraph (6), a reduction of the basis of
6 qualified property resulting from a redetermination of the
7 purchase price shall be deemed a disposition of qualified
8 property to the extent of such reduction.

9 (7) There shall be allowed an additional credit equal
10 to 0.5% of the basis of qualified property placed in
11 service during the taxable year in a River Edge
12 Redevelopment Zone, provided such property is placed in
13 service on or after July 1, 2006, and the taxpayer's base
14 employment within Illinois has increased by 1% or more over
15 the preceding year as determined by the taxpayer's
16 employment records filed with the Illinois Department of
17 Employment Security. Taxpayers who are new to Illinois
18 shall be deemed to have met the 1% growth in base
19 employment for the first year in which they file employment
20 records with the Illinois Department of Employment
21 Security. If, in any year, the increase in base employment
22 within Illinois over the preceding year is less than 1%,
23 the additional credit shall be limited to that percentage
24 times a fraction, the numerator of which is 0.5% and the
25 denominator of which is 1%, but shall not exceed 0.5%.

26 (8) For taxable years beginning on or after January 1,

1 2021, there shall be allowed an Enterprise Zone
2 construction jobs credit against the taxes imposed under
3 subsections (a) and (b) of this Section as provided in
4 Section 13 of the Illinois Enterprise Zone Act.

5 The credit or credits may not reduce the taxpayer's
6 liability to less than zero. If the amount of the credit or
7 credits exceeds the taxpayer's liability, the excess may be
8 carried forward and applied against the taxpayer's
9 liability in succeeding calendar years in the same manner
10 provided under paragraph (4) of Section 211 of this Act.
11 The credit or credits shall be applied to the earliest year
12 for which there is a tax liability. If there are credits
13 from more than one taxable year that are available to
14 offset a liability, the earlier credit shall be applied
15 first.

16 For partners, shareholders of Subchapter S
17 corporations, and owners of limited liability companies,
18 if the liability company is treated as a partnership for
19 the purposes of federal and State income taxation, there
20 shall be allowed a credit under this Section to be
21 determined in accordance with the determination of income
22 and distributive share of income under Sections 702 and 704
23 and Subchapter S of the Internal Revenue Code.

24 The total aggregate amount of credits awarded under the
25 Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~
26 ~~amendatory Act of the 101st General Assembly~~) shall not

1 exceed \$20,000,000 in any State fiscal year.

2 This paragraph (8) is exempt from the provisions of
3 Section 250.

4 (g) (Blank).

5 (h) Investment credit; High Impact Business.

6 (1) Subject to subsections (b) and (b-5) of Section 5.5
7 of the Illinois Enterprise Zone Act, a taxpayer shall be
8 allowed a credit against the tax imposed by subsections (a)
9 and (b) of this Section for investment in qualified
10 property which is placed in service by a Department of
11 Commerce and Economic Opportunity designated High Impact
12 Business. The credit shall be .5% of the basis for such
13 property. The credit shall not be available (i) until the
14 minimum investments in qualified property set forth in
15 subdivision (a)(3)(A) of Section 5.5 of the Illinois
16 Enterprise Zone Act have been satisfied or (ii) until the
17 time authorized in subsection (b-5) of the Illinois
18 Enterprise Zone Act for entities designated as High Impact
19 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
20 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
21 Act, and shall not be allowed to the extent that it would
22 reduce a taxpayer's liability for the tax imposed by
23 subsections (a) and (b) of this Section to below zero. The
24 credit applicable to such investments shall be taken in the
25 taxable year in which such investments have been completed.
26 The credit for additional investments beyond the minimum

1 investment by a designated high impact business authorized
2 under subdivision (a) (3) (A) of Section 5.5 of the Illinois
3 Enterprise Zone Act shall be available only in the taxable
4 year in which the property is placed in service and shall
5 not be allowed to the extent that it would reduce a
6 taxpayer's liability for the tax imposed by subsections (a)
7 and (b) of this Section to below zero. For tax years ending
8 on or after December 31, 1987, the credit shall be allowed
9 for the tax year in which the property is placed in
10 service, or, if the amount of the credit exceeds the tax
11 liability for that year, whether it exceeds the original
12 liability or the liability as later amended, such excess
13 may be carried forward and applied to the tax liability of
14 the 5 taxable years following the excess credit year. The
15 credit shall be applied to the earliest year for which
16 there is a liability. If there is credit from more than one
17 tax year that is available to offset a liability, the
18 credit accruing first in time shall be applied first.

19 Changes made in this subdivision (h) (1) by Public Act
20 88-670 restore changes made by Public Act 85-1182 and
21 reflect existing law.

22 (2) The term qualified property means property which:

23 (A) is tangible, whether new or used, including
24 buildings and structural components of buildings;

25 (B) is depreciable pursuant to Section 167 of the
26 Internal Revenue Code, except that "3-year property"

1 as defined in Section 168(c)(2)(A) of that Code is not
2 eligible for the credit provided by this subsection
3 (h);

4 (C) is acquired by purchase as defined in Section
5 179(d) of the Internal Revenue Code; and

6 (D) is not eligible for the Enterprise Zone
7 Investment Credit provided by subsection (f) of this
8 Section.

9 (3) The basis of qualified property shall be the basis
10 used to compute the depreciation deduction for federal
11 income tax purposes.

12 (4) If the basis of the property for federal income tax
13 depreciation purposes is increased after it has been placed
14 in service in a federally designated Foreign Trade Zone or
15 Sub-Zone located in Illinois by the taxpayer, the amount of
16 such increase shall be deemed property placed in service on
17 the date of such increase in basis.

18 (5) The term "placed in service" shall have the same
19 meaning as under Section 46 of the Internal Revenue Code.

20 (6) If during any taxable year ending on or before
21 December 31, 1996, any property ceases to be qualified
22 property in the hands of the taxpayer within 48 months
23 after being placed in service, or the situs of any
24 qualified property is moved outside Illinois within 48
25 months after being placed in service, the tax imposed under
26 subsections (a) and (b) of this Section for such taxable

1 year shall be increased. Such increase shall be determined
2 by (i) recomputing the investment credit which would have
3 been allowed for the year in which credit for such property
4 was originally allowed by eliminating such property from
5 such computation, and (ii) subtracting such recomputed
6 credit from the amount of credit previously allowed. For
7 the purposes of this paragraph (6), a reduction of the
8 basis of qualified property resulting from a
9 redetermination of the purchase price shall be deemed a
10 disposition of qualified property to the extent of such
11 reduction.

12 (7) Beginning with tax years ending after December 31,
13 1996, if a taxpayer qualifies for the credit under this
14 subsection (h) and thereby is granted a tax abatement and
15 the taxpayer relocates its entire facility in violation of
16 the explicit terms and length of the contract under Section
17 18-183 of the Property Tax Code, the tax imposed under
18 subsections (a) and (b) of this Section shall be increased
19 for the taxable year in which the taxpayer relocated its
20 facility by an amount equal to the amount of credit
21 received by the taxpayer under this subsection (h).

22 (h-5) High Impact Business construction ~~constructions~~ jobs
23 credit. For taxable years beginning on or after January 1,
24 2021, there shall also be allowed a High Impact Business
25 construction jobs credit against the tax imposed under
26 subsections (a) and (b) of this Section as provided in

1 subsections (i) and (j) of Section 5.5 of the Illinois
2 Enterprise Zone Act.

3 The credit or credits may not reduce the taxpayer's
4 liability to less than zero. If the amount of the credit or
5 credits exceeds the taxpayer's liability, the excess may be
6 carried forward and applied against the taxpayer's liability in
7 succeeding calendar years in the manner provided under
8 paragraph (4) of Section 211 of this Act. The credit or credits
9 shall be applied to the earliest year for which there is a tax
10 liability. If there are credits from more than one taxable year
11 that are available to offset a liability, the earlier credit
12 shall be applied first.

13 For partners, shareholders of Subchapter S corporations,
14 and owners of limited liability companies, if the liability
15 company is treated as a partnership for the purposes of federal
16 and State income taxation, there shall be allowed a credit
17 under this Section to be determined in accordance with the
18 determination of income and distributive share of income under
19 Sections 702 and 704 and Subchapter S of the Internal Revenue
20 Code.

21 The total aggregate amount of credits awarded under the
22 Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~
23 ~~amendatory Act of the 101st General Assembly~~) shall not exceed
24 \$20,000,000 in any State fiscal year.

25 This subsection (h-5) is exempt from the provisions of
26 Section 250.

1 (i) Credit for Personal Property Tax Replacement Income
2 Tax. For tax years ending prior to December 31, 2003, a credit
3 shall be allowed against the tax imposed by subsections (a) and
4 (b) of this Section for the tax imposed by subsections (c) and
5 (d) of this Section. This credit shall be computed by
6 multiplying the tax imposed by subsections (c) and (d) of this
7 Section by a fraction, the numerator of which is base income
8 allocable to Illinois and the denominator of which is Illinois
9 base income, and further multiplying the product by the tax
10 rate imposed by subsections (a) and (b) of this Section.

11 Any credit earned on or after December 31, 1986 under this
12 subsection which is unused in the year the credit is computed
13 because it exceeds the tax liability imposed by subsections (a)
14 and (b) for that year (whether it exceeds the original
15 liability or the liability as later amended) may be carried
16 forward and applied to the tax liability imposed by subsections
17 (a) and (b) of the 5 taxable years following the excess credit
18 year, provided that no credit may be carried forward to any
19 year ending on or after December 31, 2003. This credit shall be
20 applied first to the earliest year for which there is a
21 liability. If there is a credit under this subsection from more
22 than one tax year that is available to offset a liability the
23 earliest credit arising under this subsection shall be applied
24 first.

25 If, during any taxable year ending on or after December 31,
26 1986, the tax imposed by subsections (c) and (d) of this

1 Section for which a taxpayer has claimed a credit under this
2 subsection (i) is reduced, the amount of credit for such tax
3 shall also be reduced. Such reduction shall be determined by
4 recomputing the credit to take into account the reduced tax
5 imposed by subsections (c) and (d). If any portion of the
6 reduced amount of credit has been carried to a different
7 taxable year, an amended return shall be filed for such taxable
8 year to reduce the amount of credit claimed.

9 (j) Training expense credit. Beginning with tax years
10 ending on or after December 31, 1986 and prior to December 31,
11 2003, a taxpayer shall be allowed a credit against the tax
12 imposed by subsections (a) and (b) under this Section for all
13 amounts paid or accrued, on behalf of all persons employed by
14 the taxpayer in Illinois or Illinois residents employed outside
15 of Illinois by a taxpayer, for educational or vocational
16 training in semi-technical or technical fields or semi-skilled
17 or skilled fields, which were deducted from gross income in the
18 computation of taxable income. The credit against the tax
19 imposed by subsections (a) and (b) shall be 1.6% of such
20 training expenses. For partners, shareholders of subchapter S
21 corporations, and owners of limited liability companies, if the
22 liability company is treated as a partnership for purposes of
23 federal and State income taxation, there shall be allowed a
24 credit under this subsection (j) to be determined in accordance
25 with the determination of income and distributive share of
26 income under Sections 702 and 704 and subchapter S of the

1 Internal Revenue Code.

2 Any credit allowed under this subsection which is unused in
3 the year the credit is earned may be carried forward to each of
4 the 5 taxable years following the year for which the credit is
5 first computed until it is used. This credit shall be applied
6 first to the earliest year for which there is a liability. If
7 there is a credit under this subsection from more than one tax
8 year that is available to offset a liability, the earliest
9 credit arising under this subsection shall be applied first. No
10 carryforward credit may be claimed in any tax year ending on or
11 after December 31, 2003.

12 (k) Research and development credit. For tax years ending
13 after July 1, 1990 and prior to December 31, 2003, and
14 beginning again for tax years ending on or after December 31,
15 2004, and ending prior to January 1, 2027, a taxpayer shall be
16 allowed a credit against the tax imposed by subsections (a) and
17 (b) of this Section for increasing research activities in this
18 State. The credit allowed against the tax imposed by
19 subsections (a) and (b) shall be equal to 6 1/2% of the
20 qualifying expenditures for increasing research activities in
21 this State. For partners, shareholders of subchapter S
22 corporations, and owners of limited liability companies, if the
23 liability company is treated as a partnership for purposes of
24 federal and State income taxation, there shall be allowed a
25 credit under this subsection to be determined in accordance
26 with the determination of income and distributive share of

1 income under Sections 702 and 704 and subchapter S of the
2 Internal Revenue Code.

3 For purposes of this subsection, "qualifying expenditures"
4 means the qualifying expenditures as defined for the federal
5 credit for increasing research activities which would be
6 allowable under Section 41 of the Internal Revenue Code and
7 which are conducted in this State, "qualifying expenditures for
8 increasing research activities in this State" means the excess
9 of qualifying expenditures for the taxable year in which
10 incurred over qualifying expenditures for the base period,
11 "qualifying expenditures for the base period" means the average
12 of the qualifying expenditures for each year in the base
13 period, and "base period" means the 3 taxable years immediately
14 preceding the taxable year for which the determination is being
15 made.

16 Any credit in excess of the tax liability for the taxable
17 year may be carried forward. A taxpayer may elect to have the
18 unused credit shown on its final completed return carried over
19 as a credit against the tax liability for the following 5
20 taxable years or until it has been fully used, whichever occurs
21 first; provided that no credit earned in a tax year ending
22 prior to December 31, 2003 may be carried forward to any year
23 ending on or after December 31, 2003.

24 If an unused credit is carried forward to a given year from
25 2 or more earlier years, that credit arising in the earliest
26 year will be applied first against the tax liability for the

1 given year. If a tax liability for the given year still
2 remains, the credit from the next earliest year will then be
3 applied, and so on, until all credits have been used or no tax
4 liability for the given year remains. Any remaining unused
5 credit or credits then will be carried forward to the next
6 following year in which a tax liability is incurred, except
7 that no credit can be carried forward to a year which is more
8 than 5 years after the year in which the expense for which the
9 credit is given was incurred.

10 No inference shall be drawn from Public Act 91-644 ~~this~~
11 ~~amendatory Act of the 91st General Assembly~~ in construing this
12 Section for taxable years beginning before January 1, 1999.

13 It is the intent of the General Assembly that the research
14 and development credit under this subsection (k) shall apply
15 continuously for all tax years ending on or after December 31,
16 2004 and ending prior to January 1, 2027, including, but not
17 limited to, the period beginning on January 1, 2016 and ending
18 on July 6, 2017 (the effective date of Public Act 100-22) ~~this~~
19 ~~amendatory Act of the 100th General Assembly~~. All actions taken
20 in reliance on the continuation of the credit under this
21 subsection (k) by any taxpayer are hereby validated.

22 (l) Environmental Remediation Tax Credit.

23 (i) For tax years ending after December 31, 1997 and on
24 or before December 31, 2001, a taxpayer shall be allowed a
25 credit against the tax imposed by subsections (a) and (b)
26 of this Section for certain amounts paid for unreimbursed

1 eligible remediation costs, as specified in this
2 subsection. For purposes of this Section, "unreimbursed
3 eligible remediation costs" means costs approved by the
4 Illinois Environmental Protection Agency ("Agency") under
5 Section 58.14 of the Environmental Protection Act that were
6 paid in performing environmental remediation at a site for
7 which a No Further Remediation Letter was issued by the
8 Agency and recorded under Section 58.10 of the
9 Environmental Protection Act. The credit must be claimed
10 for the taxable year in which Agency approval of the
11 eligible remediation costs is granted. The credit is not
12 available to any taxpayer if the taxpayer or any related
13 party caused or contributed to, in any material respect, a
14 release of regulated substances on, in, or under the site
15 that was identified and addressed by the remedial action
16 pursuant to the Site Remediation Program of the
17 Environmental Protection Act. After the Pollution Control
18 Board rules are adopted pursuant to the Illinois
19 Administrative Procedure Act for the administration and
20 enforcement of Section 58.9 of the Environmental
21 Protection Act, determinations as to credit availability
22 for purposes of this Section shall be made consistent with
23 those rules. For purposes of this Section, "taxpayer"
24 includes a person whose tax attributes the taxpayer has
25 succeeded to under Section 381 of the Internal Revenue Code
26 and "related party" includes the persons disallowed a

1 deduction for losses by paragraphs (b), (c), and (f)(1) of
2 Section 267 of the Internal Revenue Code by virtue of being
3 a related taxpayer, as well as any of its partners. The
4 credit allowed against the tax imposed by subsections (a)
5 and (b) shall be equal to 25% of the unreimbursed eligible
6 remediation costs in excess of \$100,000 per site, except
7 that the \$100,000 threshold shall not apply to any site
8 contained in an enterprise zone as determined by the
9 Department of Commerce and Community Affairs (now
10 Department of Commerce and Economic Opportunity). The
11 total credit allowed shall not exceed \$40,000 per year with
12 a maximum total of \$150,000 per site. For partners and
13 shareholders of subchapter S corporations, there shall be
14 allowed a credit under this subsection to be determined in
15 accordance with the determination of income and
16 distributive share of income under Sections 702 and 704 and
17 subchapter S of the Internal Revenue Code.

18 (ii) A credit allowed under this subsection that is
19 unused in the year the credit is earned may be carried
20 forward to each of the 5 taxable years following the year
21 for which the credit is first earned until it is used. The
22 term "unused credit" does not include any amounts of
23 unreimbursed eligible remediation costs in excess of the
24 maximum credit per site authorized under paragraph (i).
25 This credit shall be applied first to the earliest year for
26 which there is a liability. If there is a credit under this

1 subsection from more than one tax year that is available to
2 offset a liability, the earliest credit arising under this
3 subsection shall be applied first. A credit allowed under
4 this subsection may be sold to a buyer as part of a sale of
5 all or part of the remediation site for which the credit
6 was granted. The purchaser of a remediation site and the
7 tax credit shall succeed to the unused credit and remaining
8 carry-forward period of the seller. To perfect the
9 transfer, the assignor shall record the transfer in the
10 chain of title for the site and provide written notice to
11 the Director of the Illinois Department of Revenue of the
12 assignor's intent to sell the remediation site and the
13 amount of the tax credit to be transferred as a portion of
14 the sale. In no event may a credit be transferred to any
15 taxpayer if the taxpayer or a related party would not be
16 eligible under the provisions of subsection (i).

17 (iii) For purposes of this Section, the term "site"
18 shall have the same meaning as under Section 58.2 of the
19 Environmental Protection Act.

20 (m) Education expense credit. Beginning with tax years
21 ending after December 31, 1999, a taxpayer who is the custodian
22 of one or more qualifying pupils shall be allowed a credit
23 against the tax imposed by subsections (a) and (b) of this
24 Section for qualified education expenses incurred on behalf of
25 the qualifying pupils. The credit shall be equal to 25% of
26 qualified education expenses, but in no event may the total

1 credit under this subsection claimed by a family that is the
2 custodian of qualifying pupils exceed (i) \$500 for tax years
3 ending prior to December 31, 2017, and (ii) \$750 for tax years
4 ending on or after December 31, 2017. In no event shall a
5 credit under this subsection reduce the taxpayer's liability
6 under this Act to less than zero. Notwithstanding any other
7 provision of law, for taxable years beginning on or after
8 January 1, 2017, no taxpayer may claim a credit under this
9 subsection (m) if the taxpayer's adjusted gross income for the
10 taxable year exceeds (i) \$500,000, in the case of spouses
11 filing a joint federal tax return or (ii) \$250,000, in the case
12 of all other taxpayers. This subsection is exempt from the
13 provisions of Section 250 of this Act.

14 For purposes of this subsection:

15 "Qualifying pupils" means individuals who (i) are
16 residents of the State of Illinois, (ii) are under the age of
17 21 at the close of the school year for which a credit is
18 sought, and (iii) during the school year for which a credit is
19 sought were full-time pupils enrolled in a kindergarten through
20 twelfth grade education program at any school, as defined in
21 this subsection.

22 "Qualified education expense" means the amount incurred on
23 behalf of a qualifying pupil in excess of \$250 for tuition,
24 book fees, and lab fees at the school in which the pupil is
25 enrolled during the regular school year.

26 "School" means any public or nonpublic elementary or

1 secondary school in Illinois that is in compliance with Title
2 VI of the Civil Rights Act of 1964 and attendance at which
3 satisfies the requirements of Section 26-1 of the School Code,
4 except that nothing shall be construed to require a child to
5 attend any particular public or nonpublic school to qualify for
6 the credit under this Section.

7 "Custodian" means, with respect to qualifying pupils, an
8 Illinois resident who is a parent, the parents, a legal
9 guardian, or the legal guardians of the qualifying pupils.

10 (n) River Edge Redevelopment Zone site remediation tax
11 credit.

12 (i) For tax years ending on or after December 31, 2006,
13 a taxpayer shall be allowed a credit against the tax
14 imposed by subsections (a) and (b) of this Section for
15 certain amounts paid for unreimbursed eligible remediation
16 costs, as specified in this subsection. For purposes of
17 this Section, "unreimbursed eligible remediation costs"
18 means costs approved by the Illinois Environmental
19 Protection Agency ("Agency") under Section 58.14a of the
20 Environmental Protection Act that were paid in performing
21 environmental remediation at a site within a River Edge
22 Redevelopment Zone for which a No Further Remediation
23 Letter was issued by the Agency and recorded under Section
24 58.10 of the Environmental Protection Act. The credit must
25 be claimed for the taxable year in which Agency approval of
26 the eligible remediation costs is granted. The credit is

1 not available to any taxpayer if the taxpayer or any
2 related party caused or contributed to, in any material
3 respect, a release of regulated substances on, in, or under
4 the site that was identified and addressed by the remedial
5 action pursuant to the Site Remediation Program of the
6 Environmental Protection Act. Determinations as to credit
7 availability for purposes of this Section shall be made
8 consistent with rules adopted by the Pollution Control
9 Board pursuant to the Illinois Administrative Procedure
10 Act for the administration and enforcement of Section 58.9
11 of the Environmental Protection Act. For purposes of this
12 Section, "taxpayer" includes a person whose tax attributes
13 the taxpayer has succeeded to under Section 381 of the
14 Internal Revenue Code and "related party" includes the
15 persons disallowed a deduction for losses by paragraphs
16 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
17 Code by virtue of being a related taxpayer, as well as any
18 of its partners. The credit allowed against the tax imposed
19 by subsections (a) and (b) shall be equal to 25% of the
20 unreimbursed eligible remediation costs in excess of
21 \$100,000 per site.

22 (ii) A credit allowed under this subsection that is
23 unused in the year the credit is earned may be carried
24 forward to each of the 5 taxable years following the year
25 for which the credit is first earned until it is used. This
26 credit shall be applied first to the earliest year for

1 which there is a liability. If there is a credit under this
2 subsection from more than one tax year that is available to
3 offset a liability, the earliest credit arising under this
4 subsection shall be applied first. A credit allowed under
5 this subsection may be sold to a buyer as part of a sale of
6 all or part of the remediation site for which the credit
7 was granted. The purchaser of a remediation site and the
8 tax credit shall succeed to the unused credit and remaining
9 carry-forward period of the seller. To perfect the
10 transfer, the assignor shall record the transfer in the
11 chain of title for the site and provide written notice to
12 the Director of the Illinois Department of Revenue of the
13 assignor's intent to sell the remediation site and the
14 amount of the tax credit to be transferred as a portion of
15 the sale. In no event may a credit be transferred to any
16 taxpayer if the taxpayer or a related party would not be
17 eligible under the provisions of subsection (i).

18 (iii) For purposes of this Section, the term "site"
19 shall have the same meaning as under Section 58.2 of the
20 Environmental Protection Act.

21 (o) For each of taxable years during the Compassionate Use
22 of Medical Cannabis Program, a surcharge is imposed on all
23 taxpayers on income arising from the sale or exchange of
24 capital assets, depreciable business property, real property
25 used in the trade or business, and Section 197 intangibles of
26 an organization registrant under the Compassionate Use of

1 Medical Cannabis Program Act. The amount of the surcharge is
2 equal to the amount of federal income tax liability for the
3 taxable year attributable to those sales and exchanges. The
4 surcharge imposed does not apply if:

5 (1) the medical cannabis cultivation center
6 registration, medical cannabis dispensary registration, or
7 the property of a registration is transferred as a result
8 of any of the following:

9 (A) bankruptcy, a receivership, or a debt
10 adjustment initiated by or against the initial
11 registration or the substantial owners of the initial
12 registration;

13 (B) cancellation, revocation, or termination of
14 any registration by the Illinois Department of Public
15 Health;

16 (C) a determination by the Illinois Department of
17 Public Health that transfer of the registration is in
18 the best interests of Illinois qualifying patients as
19 defined by the Compassionate Use of Medical Cannabis
20 Program Act;

21 (D) the death of an owner of the equity interest in
22 a registrant;

23 (E) the acquisition of a controlling interest in
24 the stock or substantially all of the assets of a
25 publicly traded company;

26 (F) a transfer by a parent company to a wholly

1 owned subsidiary; or

2 (G) the transfer or sale to or by one person to
3 another person where both persons were initial owners
4 of the registration when the registration was issued;
5 or

6 (2) the cannabis cultivation center registration,
7 medical cannabis dispensary registration, or the
8 controlling interest in a registrant's property is
9 transferred in a transaction to lineal descendants in which
10 no gain or loss is recognized or as a result of a
11 transaction in accordance with Section 351 of the Internal
12 Revenue Code in which no gain or loss is recognized.

13 (Source: P.A. 100-22, eff. 7-6-17; 101-9, eff. 6-5-19; 101-31,
14 eff. 6-28-19; 101-207, eff. 8-2-19; 101-363, eff. 8-9-19;
15 revised 9-17-19.)

16 (Text of Section after amendment by P.A. 101-8)

17 Sec. 201. Tax imposed.

18 (a) In general. A tax measured by net income is hereby
19 imposed on every individual, corporation, trust and estate for
20 each taxable year ending after July 31, 1969 on the privilege
21 of earning or receiving income in or as a resident of this
22 State. Such tax shall be in addition to all other occupation or
23 privilege taxes imposed by this State or by any municipal
24 corporation or political subdivision thereof.

25 (b) Rates. The tax imposed by subsection (a) of this

1 Section shall be determined as follows, except as adjusted by
2 subsection (d-1):

3 (1) In the case of an individual, trust or estate, for
4 taxable years ending prior to July 1, 1989, an amount equal
5 to 2 1/2% of the taxpayer's net income for the taxable
6 year.

7 (2) In the case of an individual, trust or estate, for
8 taxable years beginning prior to July 1, 1989 and ending
9 after June 30, 1989, an amount equal to the sum of (i) 2
10 1/2% of the taxpayer's net income for the period prior to
11 July 1, 1989, as calculated under Section 202.3, and (ii)
12 3% of the taxpayer's net income for the period after June
13 30, 1989, as calculated under Section 202.3.

14 (3) In the case of an individual, trust or estate, for
15 taxable years beginning after June 30, 1989, and ending
16 prior to January 1, 2011, an amount equal to 3% of the
17 taxpayer's net income for the taxable year.

18 (4) In the case of an individual, trust, or estate, for
19 taxable years beginning prior to January 1, 2011, and
20 ending after December 31, 2010, an amount equal to the sum
21 of (i) 3% of the taxpayer's net income for the period prior
22 to January 1, 2011, as calculated under Section 202.5, and
23 (ii) 5% of the taxpayer's net income for the period after
24 December 31, 2010, as calculated under Section 202.5.

25 (5) In the case of an individual, trust, or estate, for
26 taxable years beginning on or after January 1, 2011, and

1 ending prior to January 1, 2015, an amount equal to 5% of
2 the taxpayer's net income for the taxable year.

3 (5.1) In the case of an individual, trust, or estate,
4 for taxable years beginning prior to January 1, 2015, and
5 ending after December 31, 2014, an amount equal to the sum
6 of (i) 5% of the taxpayer's net income for the period prior
7 to January 1, 2015, as calculated under Section 202.5, and
8 (ii) 3.75% of the taxpayer's net income for the period
9 after December 31, 2014, as calculated under Section 202.5.

10 (5.2) In the case of an individual, trust, or estate,
11 for taxable years beginning on or after January 1, 2015,
12 and ending prior to July 1, 2017, an amount equal to 3.75%
13 of the taxpayer's net income for the taxable year.

14 (5.3) In the case of an individual, trust, or estate,
15 for taxable years beginning prior to July 1, 2017, and
16 ending after June 30, 2017, an amount equal to the sum of
17 (i) 3.75% of the taxpayer's net income for the period prior
18 to July 1, 2017, as calculated under Section 202.5, and
19 (ii) 4.95% of the taxpayer's net income for the period
20 after June 30, 2017, as calculated under Section 202.5.

21 (5.4) In the case of an individual, trust, or estate,
22 for taxable years beginning on or after July 1, 2017 and
23 beginning prior to January 1, 2021, an amount equal to
24 4.95% of the taxpayer's net income for the taxable year.

25 (5.5) In the case of an individual, trust, or estate,
26 for taxable years beginning on or after January 1, 2021, an

1 amount calculated under the rate structure set forth in
2 Section 201.1.

3 (6) In the case of a corporation, for taxable years
4 ending prior to July 1, 1989, an amount equal to 4% of the
5 taxpayer's net income for the taxable year.

6 (7) In the case of a corporation, for taxable years
7 beginning prior to July 1, 1989 and ending after June 30,
8 1989, an amount equal to the sum of (i) 4% of the
9 taxpayer's net income for the period prior to July 1, 1989,
10 as calculated under Section 202.3, and (ii) 4.8% of the
11 taxpayer's net income for the period after June 30, 1989,
12 as calculated under Section 202.3.

13 (8) In the case of a corporation, for taxable years
14 beginning after June 30, 1989, and ending prior to January
15 1, 2011, an amount equal to 4.8% of the taxpayer's net
16 income for the taxable year.

17 (9) In the case of a corporation, for taxable years
18 beginning prior to January 1, 2011, and ending after
19 December 31, 2010, an amount equal to the sum of (i) 4.8%
20 of the taxpayer's net income for the period prior to
21 January 1, 2011, as calculated under Section 202.5, and
22 (ii) 7% of the taxpayer's net income for the period after
23 December 31, 2010, as calculated under Section 202.5.

24 (10) In the case of a corporation, for taxable years
25 beginning on or after January 1, 2011, and ending prior to
26 January 1, 2015, an amount equal to 7% of the taxpayer's

1 net income for the taxable year.

2 (11) In the case of a corporation, for taxable years
3 beginning prior to January 1, 2015, and ending after
4 December 31, 2014, an amount equal to the sum of (i) 7% of
5 the taxpayer's net income for the period prior to January
6 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
7 of the taxpayer's net income for the period after December
8 31, 2014, as calculated under Section 202.5.

9 (12) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2015, and ending prior to
11 July 1, 2017, an amount equal to 5.25% of the taxpayer's
12 net income for the taxable year.

13 (13) In the case of a corporation, for taxable years
14 beginning prior to July 1, 2017, and ending after June 30,
15 2017, an amount equal to the sum of (i) 5.25% of the
16 taxpayer's net income for the period prior to July 1, 2017,
17 as calculated under Section 202.5, and (ii) 7% of the
18 taxpayer's net income for the period after June 30, 2017,
19 as calculated under Section 202.5.

20 (14) In the case of a corporation, for taxable years
21 beginning on or after July 1, 2017 and beginning prior to
22 January 1, 2021, an amount equal to 7% of the taxpayer's
23 net income for the taxable year.

24 (15) In the case of a corporation, for taxable years
25 beginning on or after January 1, 2021, an amount equal to
26 7.99% of the taxpayer's net income for the taxable year.

1 The rates under this subsection (b) are subject to the
2 provisions of Section 201.5.

3 (b-5) Surcharge; sale or exchange of assets, properties,
4 and intangibles of organization gaming licensees. For each of
5 taxable years 2019 through 2027, a surcharge is imposed on all
6 taxpayers on income arising from the sale or exchange of
7 capital assets, depreciable business property, real property
8 used in the trade or business, and Section 197 intangibles (i)
9 of an organization licensee under the Illinois Horse Racing Act
10 of 1975 and (ii) of an organization gaming licensee under the
11 Illinois Gambling Act. The amount of the surcharge is equal to
12 the amount of federal income tax liability for the taxable year
13 attributable to those sales and exchanges. The surcharge
14 imposed shall not apply if:

15 (1) the organization gaming license, organization
16 license, or racetrack property is transferred as a result
17 of any of the following:

18 (A) bankruptcy, a receivership, or a debt
19 adjustment initiated by or against the initial
20 licensee or the substantial owners of the initial
21 licensee;

22 (B) cancellation, revocation, or termination of
23 any such license by the Illinois Gaming Board or the
24 Illinois Racing Board;

25 (C) a determination by the Illinois Gaming Board
26 that transfer of the license is in the best interests

1 of Illinois gaming;

2 (D) the death of an owner of the equity interest in
3 a licensee;

4 (E) the acquisition of a controlling interest in
5 the stock or substantially all of the assets of a
6 publicly traded company;

7 (F) a transfer by a parent company to a wholly
8 owned subsidiary; or

9 (G) the transfer or sale to or by one person to
10 another person where both persons were initial owners
11 of the license when the license was issued; or

12 (2) the controlling interest in the organization
13 gaming license, organization license, or racetrack
14 property is transferred in a transaction to lineal
15 descendants in which no gain or loss is recognized or as a
16 result of a transaction in accordance with Section 351 of
17 the Internal Revenue Code in which no gain or loss is
18 recognized; or

19 (3) live horse racing was not conducted in 2010 at a
20 racetrack located within 3 miles of the Mississippi River
21 under a license issued pursuant to the Illinois Horse
22 Racing Act of 1975.

23 The transfer of an organization gaming license,
24 organization license, or racetrack property by a person other
25 than the initial licensee to receive the organization gaming
26 license is not subject to a surcharge. The Department shall

1 adopt rules necessary to implement and administer this
2 subsection.

3 (c) Personal Property Tax Replacement Income Tax.
4 Beginning on July 1, 1979 and thereafter, in addition to such
5 income tax, there is also hereby imposed the Personal Property
6 Tax Replacement Income Tax measured by net income on every
7 corporation (including Subchapter S corporations), partnership
8 and trust, for each taxable year ending after June 30, 1979.
9 Such taxes are imposed on the privilege of earning or receiving
10 income in or as a resident of this State. The Personal Property
11 Tax Replacement Income Tax shall be in addition to the income
12 tax imposed by subsections (a) and (b) of this Section and in
13 addition to all other occupation or privilege taxes imposed by
14 this State or by any municipal corporation or political
15 subdivision thereof.

16 (d) Additional Personal Property Tax Replacement Income
17 Tax Rates. The personal property tax replacement income tax
18 imposed by this subsection and subsection (c) of this Section
19 in the case of a corporation, other than a Subchapter S
20 corporation and except as adjusted by subsection (d-1), shall
21 be an additional amount equal to 2.85% of such taxpayer's net
22 income for the taxable year, except that beginning on January
23 1, 1981, and thereafter, the rate of 2.85% specified in this
24 subsection shall be reduced to 2.5%, and in the case of a
25 partnership, trust or a Subchapter S corporation shall be an
26 additional amount equal to 1.5% of such taxpayer's net income

1 for the taxable year.

2 (d-1) Rate reduction for certain foreign insurers. In the
3 case of a foreign insurer, as defined by Section 35A-5 of the
4 Illinois Insurance Code, whose state or country of domicile
5 imposes on insurers domiciled in Illinois a retaliatory tax
6 (excluding any insurer whose premiums from reinsurance assumed
7 are 50% or more of its total insurance premiums as determined
8 under paragraph (2) of subsection (b) of Section 304, except
9 that for purposes of this determination premiums from
10 reinsurance do not include premiums from inter-affiliate
11 reinsurance arrangements), beginning with taxable years ending
12 on or after December 31, 1999, the sum of the rates of tax
13 imposed by subsections (b) and (d) shall be reduced (but not
14 increased) to the rate at which the total amount of tax imposed
15 under this Act, net of all credits allowed under this Act,
16 shall equal (i) the total amount of tax that would be imposed
17 on the foreign insurer's net income allocable to Illinois for
18 the taxable year by such foreign insurer's state or country of
19 domicile if that net income were subject to all income taxes
20 and taxes measured by net income imposed by such foreign
21 insurer's state or country of domicile, net of all credits
22 allowed or (ii) a rate of zero if no such tax is imposed on such
23 income by the foreign insurer's state of domicile. For the
24 purposes of this subsection (d-1), an inter-affiliate includes
25 a mutual insurer under common management.

26 (1) For the purposes of subsection (d-1), in no event

1 shall the sum of the rates of tax imposed by subsections
2 (b) and (d) be reduced below the rate at which the sum of:

3 (A) the total amount of tax imposed on such foreign
4 insurer under this Act for a taxable year, net of all
5 credits allowed under this Act, plus

6 (B) the privilege tax imposed by Section 409 of the
7 Illinois Insurance Code, the fire insurance company
8 tax imposed by Section 12 of the Fire Investigation
9 Act, and the fire department taxes imposed under
10 Section 11-10-1 of the Illinois Municipal Code,
11 equals 1.25% for taxable years ending prior to December 31,
12 2003, or 1.75% for taxable years ending on or after
13 December 31, 2003, of the net taxable premiums written for
14 the taxable year, as described by subsection (1) of Section
15 409 of the Illinois Insurance Code. This paragraph will in
16 no event increase the rates imposed under subsections (b)
17 and (d).

18 (2) Any reduction in the rates of tax imposed by this
19 subsection shall be applied first against the rates imposed
20 by subsection (b) and only after the tax imposed by
21 subsection (a) net of all credits allowed under this
22 Section other than the credit allowed under subsection (i)
23 has been reduced to zero, against the rates imposed by
24 subsection (d).

25 This subsection (d-1) is exempt from the provisions of
26 Section 250.

1 (e) Investment credit. A taxpayer shall be allowed a credit
2 against the Personal Property Tax Replacement Income Tax for
3 investment in qualified property.

4 (1) A taxpayer shall be allowed a credit equal to .5%
5 of the basis of qualified property placed in service during
6 the taxable year, provided such property is placed in
7 service on or after July 1, 1984. There shall be allowed an
8 additional credit equal to .5% of the basis of qualified
9 property placed in service during the taxable year,
10 provided such property is placed in service on or after
11 July 1, 1986, and the taxpayer's base employment within
12 Illinois has increased by 1% or more over the preceding
13 year as determined by the taxpayer's employment records
14 filed with the Illinois Department of Employment Security.
15 Taxpayers who are new to Illinois shall be deemed to have
16 met the 1% growth in base employment for the first year in
17 which they file employment records with the Illinois
18 Department of Employment Security. The provisions added to
19 this Section by Public Act 85-1200 (and restored by Public
20 Act 87-895) shall be construed as declaratory of existing
21 law and not as a new enactment. If, in any year, the
22 increase in base employment within Illinois over the
23 preceding year is less than 1%, the additional credit shall
24 be limited to that percentage times a fraction, the
25 numerator of which is .5% and the denominator of which is
26 1%, but shall not exceed .5%. The investment credit shall

1 not be allowed to the extent that it would reduce a
2 taxpayer's liability in any tax year below zero, nor may
3 any credit for qualified property be allowed for any year
4 other than the year in which the property was placed in
5 service in Illinois. For tax years ending on or after
6 December 31, 1987, and on or before December 31, 1988, the
7 credit shall be allowed for the tax year in which the
8 property is placed in service, or, if the amount of the
9 credit exceeds the tax liability for that year, whether it
10 exceeds the original liability or the liability as later
11 amended, such excess may be carried forward and applied to
12 the tax liability of the 5 taxable years following the
13 excess credit years if the taxpayer (i) makes investments
14 which cause the creation of a minimum of 2,000 full-time
15 equivalent jobs in Illinois, (ii) is located in an
16 enterprise zone established pursuant to the Illinois
17 Enterprise Zone Act and (iii) is certified by the
18 Department of Commerce and Community Affairs (now
19 Department of Commerce and Economic Opportunity) as
20 complying with the requirements specified in clause (i) and
21 (ii) by July 1, 1986. The Department of Commerce and
22 Community Affairs (now Department of Commerce and Economic
23 Opportunity) shall notify the Department of Revenue of all
24 such certifications immediately. For tax years ending
25 after December 31, 1988, the credit shall be allowed for
26 the tax year in which the property is placed in service,

1 or, if the amount of the credit exceeds the tax liability
2 for that year, whether it exceeds the original liability or
3 the liability as later amended, such excess may be carried
4 forward and applied to the tax liability of the 5 taxable
5 years following the excess credit years. The credit shall
6 be applied to the earliest year for which there is a
7 liability. If there is credit from more than one tax year
8 that is available to offset a liability, earlier credit
9 shall be applied first.

10 (2) The term "qualified property" means property
11 which:

12 (A) is tangible, whether new or used, including
13 buildings and structural components of buildings and
14 signs that are real property, but not including land or
15 improvements to real property that are not a structural
16 component of a building such as landscaping, sewer
17 lines, local access roads, fencing, parking lots, and
18 other appurtenances;

19 (B) is depreciable pursuant to Section 167 of the
20 Internal Revenue Code, except that "3-year property"
21 as defined in Section 168(c)(2)(A) of that Code is not
22 eligible for the credit provided by this subsection
23 (e);

24 (C) is acquired by purchase as defined in Section
25 179(d) of the Internal Revenue Code;

26 (D) is used in Illinois by a taxpayer who is

1 primarily engaged in manufacturing, or in mining coal
2 or fluorite, or in retailing, or was placed in service
3 on or after July 1, 2006 in a River Edge Redevelopment
4 Zone established pursuant to the River Edge
5 Redevelopment Zone Act; and

6 (E) has not previously been used in Illinois in
7 such a manner and by such a person as would qualify for
8 the credit provided by this subsection (e) or
9 subsection (f).

10 (3) For purposes of this subsection (e),
11 "manufacturing" means the material staging and production
12 of tangible personal property by procedures commonly
13 regarded as manufacturing, processing, fabrication, or
14 assembling which changes some existing material into new
15 shapes, new qualities, or new combinations. For purposes of
16 this subsection (e) the term "mining" shall have the same
17 meaning as the term "mining" in Section 613(c) of the
18 Internal Revenue Code. For purposes of this subsection (e),
19 the term "retailing" means the sale of tangible personal
20 property for use or consumption and not for resale, or
21 services rendered in conjunction with the sale of tangible
22 personal property for use or consumption and not for
23 resale. For purposes of this subsection (e), "tangible
24 personal property" has the same meaning as when that term
25 is used in the Retailers' Occupation Tax Act, and, for
26 taxable years ending after December 31, 2008, does not

1 include the generation, transmission, or distribution of
2 electricity.

3 (4) The basis of qualified property shall be the basis
4 used to compute the depreciation deduction for federal
5 income tax purposes.

6 (5) If the basis of the property for federal income tax
7 depreciation purposes is increased after it has been placed
8 in service in Illinois by the taxpayer, the amount of such
9 increase shall be deemed property placed in service on the
10 date of such increase in basis.

11 (6) The term "placed in service" shall have the same
12 meaning as under Section 46 of the Internal Revenue Code.

13 (7) If during any taxable year, any property ceases to
14 be qualified property in the hands of the taxpayer within
15 48 months after being placed in service, or the situs of
16 any qualified property is moved outside Illinois within 48
17 months after being placed in service, the Personal Property
18 Tax Replacement Income Tax for such taxable year shall be
19 increased. Such increase shall be determined by (i)
20 recomputing the investment credit which would have been
21 allowed for the year in which credit for such property was
22 originally allowed by eliminating such property from such
23 computation and, (ii) subtracting such recomputed credit
24 from the amount of credit previously allowed. For the
25 purposes of this paragraph (7), a reduction of the basis of
26 qualified property resulting from a redetermination of the

1 purchase price shall be deemed a disposition of qualified
2 property to the extent of such reduction.

3 (8) Unless the investment credit is extended by law,
4 the basis of qualified property shall not include costs
5 incurred after December 31, 2018, except for costs incurred
6 pursuant to a binding contract entered into on or before
7 December 31, 2018.

8 (9) Each taxable year ending before December 31, 2000,
9 a partnership may elect to pass through to its partners the
10 credits to which the partnership is entitled under this
11 subsection (e) for the taxable year. A partner may use the
12 credit allocated to him or her under this paragraph only
13 against the tax imposed in subsections (c) and (d) of this
14 Section. If the partnership makes that election, those
15 credits shall be allocated among the partners in the
16 partnership in accordance with the rules set forth in
17 Section 704(b) of the Internal Revenue Code, and the rules
18 promulgated under that Section, and the allocated amount of
19 the credits shall be allowed to the partners for that
20 taxable year. The partnership shall make this election on
21 its Personal Property Tax Replacement Income Tax return for
22 that taxable year. The election to pass through the credits
23 shall be irrevocable.

24 For taxable years ending on or after December 31, 2000,
25 a partner that qualifies its partnership for a subtraction
26 under subparagraph (I) of paragraph (2) of subsection (d)

1 of Section 203 or a shareholder that qualifies a Subchapter
2 S corporation for a subtraction under subparagraph (S) of
3 paragraph (2) of subsection (b) of Section 203 shall be
4 allowed a credit under this subsection (e) equal to its
5 share of the credit earned under this subsection (e) during
6 the taxable year by the partnership or Subchapter S
7 corporation, determined in accordance with the
8 determination of income and distributive share of income
9 under Sections 702 and 704 and Subchapter S of the Internal
10 Revenue Code. This paragraph is exempt from the provisions
11 of Section 250.

12 (f) Investment credit; Enterprise Zone; River Edge
13 Redevelopment Zone.

14 (1) A taxpayer shall be allowed a credit against the
15 tax imposed by subsections (a) and (b) of this Section for
16 investment in qualified property which is placed in service
17 in an Enterprise Zone created pursuant to the Illinois
18 Enterprise Zone Act or, for property placed in service on
19 or after July 1, 2006, a River Edge Redevelopment Zone
20 established pursuant to the River Edge Redevelopment Zone
21 Act. For partners, shareholders of Subchapter S
22 corporations, and owners of limited liability companies,
23 if the liability company is treated as a partnership for
24 purposes of federal and State income taxation, there shall
25 be allowed a credit under this subsection (f) to be
26 determined in accordance with the determination of income

1 and distributive share of income under Sections 702 and 704
2 and Subchapter S of the Internal Revenue Code. The credit
3 shall be .5% of the basis for such property. The credit
4 shall be available only in the taxable year in which the
5 property is placed in service in the Enterprise Zone or
6 River Edge Redevelopment Zone and shall not be allowed to
7 the extent that it would reduce a taxpayer's liability for
8 the tax imposed by subsections (a) and (b) of this Section
9 to below zero. For tax years ending on or after December
10 31, 1985, the credit shall be allowed for the tax year in
11 which the property is placed in service, or, if the amount
12 of the credit exceeds the tax liability for that year,
13 whether it exceeds the original liability or the liability
14 as later amended, such excess may be carried forward and
15 applied to the tax liability of the 5 taxable years
16 following the excess credit year. The credit shall be
17 applied to the earliest year for which there is a
18 liability. If there is credit from more than one tax year
19 that is available to offset a liability, the credit
20 accruing first in time shall be applied first.

21 (2) The term qualified property means property which:

22 (A) is tangible, whether new or used, including
23 buildings and structural components of buildings;

24 (B) is depreciable pursuant to Section 167 of the
25 Internal Revenue Code, except that "3-year property"
26 as defined in Section 168(c)(2)(A) of that Code is not

1 eligible for the credit provided by this subsection
2 (f);

3 (C) is acquired by purchase as defined in Section
4 179(d) of the Internal Revenue Code;

5 (D) is used in the Enterprise Zone or River Edge
6 Redevelopment Zone by the taxpayer; and

7 (E) has not been previously used in Illinois in
8 such a manner and by such a person as would qualify for
9 the credit provided by this subsection (f) or
10 subsection (e).

11 (3) The basis of qualified property shall be the basis
12 used to compute the depreciation deduction for federal
13 income tax purposes.

14 (4) If the basis of the property for federal income tax
15 depreciation purposes is increased after it has been placed
16 in service in the Enterprise Zone or River Edge
17 Redevelopment Zone by the taxpayer, the amount of such
18 increase shall be deemed property placed in service on the
19 date of such increase in basis.

20 (5) The term "placed in service" shall have the same
21 meaning as under Section 46 of the Internal Revenue Code.

22 (6) If during any taxable year, any property ceases to
23 be qualified property in the hands of the taxpayer within
24 48 months after being placed in service, or the situs of
25 any qualified property is moved outside the Enterprise Zone
26 or River Edge Redevelopment Zone within 48 months after

1 being placed in service, the tax imposed under subsections
2 (a) and (b) of this Section for such taxable year shall be
3 increased. Such increase shall be determined by (i)
4 recomputing the investment credit which would have been
5 allowed for the year in which credit for such property was
6 originally allowed by eliminating such property from such
7 computation, and (ii) subtracting such recomputed credit
8 from the amount of credit previously allowed. For the
9 purposes of this paragraph (6), a reduction of the basis of
10 qualified property resulting from a redetermination of the
11 purchase price shall be deemed a disposition of qualified
12 property to the extent of such reduction.

13 (7) There shall be allowed an additional credit equal
14 to 0.5% of the basis of qualified property placed in
15 service during the taxable year in a River Edge
16 Redevelopment Zone, provided such property is placed in
17 service on or after July 1, 2006, and the taxpayer's base
18 employment within Illinois has increased by 1% or more over
19 the preceding year as determined by the taxpayer's
20 employment records filed with the Illinois Department of
21 Employment Security. Taxpayers who are new to Illinois
22 shall be deemed to have met the 1% growth in base
23 employment for the first year in which they file employment
24 records with the Illinois Department of Employment
25 Security. If, in any year, the increase in base employment
26 within Illinois over the preceding year is less than 1%,

1 the additional credit shall be limited to that percentage
2 times a fraction, the numerator of which is 0.5% and the
3 denominator of which is 1%, but shall not exceed 0.5%.

4 (8) For taxable years beginning on or after January 1,
5 2021, there shall be allowed an Enterprise Zone
6 construction jobs credit against the taxes imposed under
7 subsections (a) and (b) of this Section as provided in
8 Section 13 of the Illinois Enterprise Zone Act.

9 The credit or credits may not reduce the taxpayer's
10 liability to less than zero. If the amount of the credit or
11 credits exceeds the taxpayer's liability, the excess may be
12 carried forward and applied against the taxpayer's
13 liability in succeeding calendar years in the same manner
14 provided under paragraph (4) of Section 211 of this Act.
15 The credit or credits shall be applied to the earliest year
16 for which there is a tax liability. If there are credits
17 from more than one taxable year that are available to
18 offset a liability, the earlier credit shall be applied
19 first.

20 For partners, shareholders of Subchapter S
21 corporations, and owners of limited liability companies,
22 if the liability company is treated as a partnership for
23 the purposes of federal and State income taxation, there
24 shall be allowed a credit under this Section to be
25 determined in accordance with the determination of income
26 and distributive share of income under Sections 702 and 704

1 and Subchapter S of the Internal Revenue Code.

2 The total aggregate amount of credits awarded under the
3 Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~
4 ~~amendatory Act of the 101st General Assembly~~) shall not
5 exceed \$20,000,000 in any State fiscal year.

6 This paragraph (8) is exempt from the provisions of
7 Section 250.

8 (g) (Blank).

9 (h) Investment credit; High Impact Business.

10 (1) Subject to subsections (b) and (b-5) of Section 5.5
11 of the Illinois Enterprise Zone Act, a taxpayer shall be
12 allowed a credit against the tax imposed by subsections (a)
13 and (b) of this Section for investment in qualified
14 property which is placed in service by a Department of
15 Commerce and Economic Opportunity designated High Impact
16 Business. The credit shall be .5% of the basis for such
17 property. The credit shall not be available (i) until the
18 minimum investments in qualified property set forth in
19 subdivision (a)(3)(A) of Section 5.5 of the Illinois
20 Enterprise Zone Act have been satisfied or (ii) until the
21 time authorized in subsection (b-5) of the Illinois
22 Enterprise Zone Act for entities designated as High Impact
23 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
24 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
25 Act, and shall not be allowed to the extent that it would
26 reduce a taxpayer's liability for the tax imposed by

1 subsections (a) and (b) of this Section to below zero. The
2 credit applicable to such investments shall be taken in the
3 taxable year in which such investments have been completed.
4 The credit for additional investments beyond the minimum
5 investment by a designated high impact business authorized
6 under subdivision (a) (3) (A) of Section 5.5 of the Illinois
7 Enterprise Zone Act shall be available only in the taxable
8 year in which the property is placed in service and shall
9 not be allowed to the extent that it would reduce a
10 taxpayer's liability for the tax imposed by subsections (a)
11 and (b) of this Section to below zero. For tax years ending
12 on or after December 31, 1987, the credit shall be allowed
13 for the tax year in which the property is placed in
14 service, or, if the amount of the credit exceeds the tax
15 liability for that year, whether it exceeds the original
16 liability or the liability as later amended, such excess
17 may be carried forward and applied to the tax liability of
18 the 5 taxable years following the excess credit year. The
19 credit shall be applied to the earliest year for which
20 there is a liability. If there is credit from more than one
21 tax year that is available to offset a liability, the
22 credit accruing first in time shall be applied first.

23 Changes made in this subdivision (h) (1) by Public Act
24 88-670 restore changes made by Public Act 85-1182 and
25 reflect existing law.

26 (2) The term qualified property means property which:

1 (A) is tangible, whether new or used, including
2 buildings and structural components of buildings;

3 (B) is depreciable pursuant to Section 167 of the
4 Internal Revenue Code, except that "3-year property"
5 as defined in Section 168(c)(2)(A) of that Code is not
6 eligible for the credit provided by this subsection
7 (h);

8 (C) is acquired by purchase as defined in Section
9 179(d) of the Internal Revenue Code; and

10 (D) is not eligible for the Enterprise Zone
11 Investment Credit provided by subsection (f) of this
12 Section.

13 (3) The basis of qualified property shall be the basis
14 used to compute the depreciation deduction for federal
15 income tax purposes.

16 (4) If the basis of the property for federal income tax
17 depreciation purposes is increased after it has been placed
18 in service in a federally designated Foreign Trade Zone or
19 Sub-Zone located in Illinois by the taxpayer, the amount of
20 such increase shall be deemed property placed in service on
21 the date of such increase in basis.

22 (5) The term "placed in service" shall have the same
23 meaning as under Section 46 of the Internal Revenue Code.

24 (6) If during any taxable year ending on or before
25 December 31, 1996, any property ceases to be qualified
26 property in the hands of the taxpayer within 48 months

1 after being placed in service, or the situs of any
2 qualified property is moved outside Illinois within 48
3 months after being placed in service, the tax imposed under
4 subsections (a) and (b) of this Section for such taxable
5 year shall be increased. Such increase shall be determined
6 by (i) recomputing the investment credit which would have
7 been allowed for the year in which credit for such property
8 was originally allowed by eliminating such property from
9 such computation, and (ii) subtracting such recomputed
10 credit from the amount of credit previously allowed. For
11 the purposes of this paragraph (6), a reduction of the
12 basis of qualified property resulting from a
13 redetermination of the purchase price shall be deemed a
14 disposition of qualified property to the extent of such
15 reduction.

16 (7) Beginning with tax years ending after December 31,
17 1996, if a taxpayer qualifies for the credit under this
18 subsection (h) and thereby is granted a tax abatement and
19 the taxpayer relocates its entire facility in violation of
20 the explicit terms and length of the contract under Section
21 18-183 of the Property Tax Code, the tax imposed under
22 subsections (a) and (b) of this Section shall be increased
23 for the taxable year in which the taxpayer relocated its
24 facility by an amount equal to the amount of credit
25 received by the taxpayer under this subsection (h).

26 (h-5) High Impact Business construction ~~constructions~~ jobs

1 credit. For taxable years beginning on or after January 1,
2 2021, there shall also be allowed a High Impact Business
3 construction jobs credit against the tax imposed under
4 subsections (a) and (b) of this Section as provided in
5 subsections (i) and (j) of Section 5.5 of the Illinois
6 Enterprise Zone Act.

7 The credit or credits may not reduce the taxpayer's
8 liability to less than zero. If the amount of the credit or
9 credits exceeds the taxpayer's liability, the excess may be
10 carried forward and applied against the taxpayer's liability in
11 succeeding calendar years in the manner provided under
12 paragraph (4) of Section 211 of this Act. The credit or credits
13 shall be applied to the earliest year for which there is a tax
14 liability. If there are credits from more than one taxable year
15 that are available to offset a liability, the earlier credit
16 shall be applied first.

17 For partners, shareholders of Subchapter S corporations,
18 and owners of limited liability companies, if the liability
19 company is treated as a partnership for the purposes of federal
20 and State income taxation, there shall be allowed a credit
21 under this Section to be determined in accordance with the
22 determination of income and distributive share of income under
23 Sections 702 and 704 and Subchapter S of the Internal Revenue
24 Code.

25 The total aggregate amount of credits awarded under the
26 Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~

1 ~~amendatory Act of the 101st General Assembly~~) shall not exceed
2 \$20,000,000 in any State fiscal year.

3 This subsection (h-5) is exempt from the provisions of
4 Section 250.

5 (i) Credit for Personal Property Tax Replacement Income
6 Tax. For tax years ending prior to December 31, 2003, a credit
7 shall be allowed against the tax imposed by subsections (a) and
8 (b) of this Section for the tax imposed by subsections (c) and
9 (d) of this Section. This credit shall be computed by
10 multiplying the tax imposed by subsections (c) and (d) of this
11 Section by a fraction, the numerator of which is base income
12 allocable to Illinois and the denominator of which is Illinois
13 base income, and further multiplying the product by the tax
14 rate imposed by subsections (a) and (b) of this Section.

15 Any credit earned on or after December 31, 1986 under this
16 subsection which is unused in the year the credit is computed
17 because it exceeds the tax liability imposed by subsections (a)
18 and (b) for that year (whether it exceeds the original
19 liability or the liability as later amended) may be carried
20 forward and applied to the tax liability imposed by subsections
21 (a) and (b) of the 5 taxable years following the excess credit
22 year, provided that no credit may be carried forward to any
23 year ending on or after December 31, 2003. This credit shall be
24 applied first to the earliest year for which there is a
25 liability. If there is a credit under this subsection from more
26 than one tax year that is available to offset a liability the

1 earliest credit arising under this subsection shall be applied
2 first.

3 If, during any taxable year ending on or after December 31,
4 1986, the tax imposed by subsections (c) and (d) of this
5 Section for which a taxpayer has claimed a credit under this
6 subsection (i) is reduced, the amount of credit for such tax
7 shall also be reduced. Such reduction shall be determined by
8 recomputing the credit to take into account the reduced tax
9 imposed by subsections (c) and (d). If any portion of the
10 reduced amount of credit has been carried to a different
11 taxable year, an amended return shall be filed for such taxable
12 year to reduce the amount of credit claimed.

13 (j) Training expense credit. Beginning with tax years
14 ending on or after December 31, 1986 and prior to December 31,
15 2003, a taxpayer shall be allowed a credit against the tax
16 imposed by subsections (a) and (b) under this Section for all
17 amounts paid or accrued, on behalf of all persons employed by
18 the taxpayer in Illinois or Illinois residents employed outside
19 of Illinois by a taxpayer, for educational or vocational
20 training in semi-technical or technical fields or semi-skilled
21 or skilled fields, which were deducted from gross income in the
22 computation of taxable income. The credit against the tax
23 imposed by subsections (a) and (b) shall be 1.6% of such
24 training expenses. For partners, shareholders of subchapter S
25 corporations, and owners of limited liability companies, if the
26 liability company is treated as a partnership for purposes of

1 federal and State income taxation, there shall be allowed a
2 credit under this subsection (j) to be determined in accordance
3 with the determination of income and distributive share of
4 income under Sections 702 and 704 and subchapter S of the
5 Internal Revenue Code.

6 Any credit allowed under this subsection which is unused in
7 the year the credit is earned may be carried forward to each of
8 the 5 taxable years following the year for which the credit is
9 first computed until it is used. This credit shall be applied
10 first to the earliest year for which there is a liability. If
11 there is a credit under this subsection from more than one tax
12 year that is available to offset a liability, the earliest
13 credit arising under this subsection shall be applied first. No
14 carryforward credit may be claimed in any tax year ending on or
15 after December 31, 2003.

16 (k) Research and development credit. For tax years ending
17 after July 1, 1990 and prior to December 31, 2003, and
18 beginning again for tax years ending on or after December 31,
19 2004, and ending prior to January 1, 2027, a taxpayer shall be
20 allowed a credit against the tax imposed by subsections (a) and
21 (b) of this Section for increasing research activities in this
22 State. The credit allowed against the tax imposed by
23 subsections (a) and (b) shall be equal to 6 1/2% of the
24 qualifying expenditures for increasing research activities in
25 this State. For partners, shareholders of subchapter S
26 corporations, and owners of limited liability companies, if the

1 liability company is treated as a partnership for purposes of
2 federal and State income taxation, there shall be allowed a
3 credit under this subsection to be determined in accordance
4 with the determination of income and distributive share of
5 income under Sections 702 and 704 and subchapter S of the
6 Internal Revenue Code.

7 For purposes of this subsection, "qualifying expenditures"
8 means the qualifying expenditures as defined for the federal
9 credit for increasing research activities which would be
10 allowable under Section 41 of the Internal Revenue Code and
11 which are conducted in this State, "qualifying expenditures for
12 increasing research activities in this State" means the excess
13 of qualifying expenditures for the taxable year in which
14 incurred over qualifying expenditures for the base period,
15 "qualifying expenditures for the base period" means the average
16 of the qualifying expenditures for each year in the base
17 period, and "base period" means the 3 taxable years immediately
18 preceding the taxable year for which the determination is being
19 made.

20 Any credit in excess of the tax liability for the taxable
21 year may be carried forward. A taxpayer may elect to have the
22 unused credit shown on its final completed return carried over
23 as a credit against the tax liability for the following 5
24 taxable years or until it has been fully used, whichever occurs
25 first; provided that no credit earned in a tax year ending
26 prior to December 31, 2003 may be carried forward to any year

1 ending on or after December 31, 2003.

2 If an unused credit is carried forward to a given year from
3 2 or more earlier years, that credit arising in the earliest
4 year will be applied first against the tax liability for the
5 given year. If a tax liability for the given year still
6 remains, the credit from the next earliest year will then be
7 applied, and so on, until all credits have been used or no tax
8 liability for the given year remains. Any remaining unused
9 credit or credits then will be carried forward to the next
10 following year in which a tax liability is incurred, except
11 that no credit can be carried forward to a year which is more
12 than 5 years after the year in which the expense for which the
13 credit is given was incurred.

14 No inference shall be drawn from Public Act 91-644 ~~this~~
15 ~~amendatory Act of the 91st General Assembly~~ in construing this
16 Section for taxable years beginning before January 1, 1999.

17 It is the intent of the General Assembly that the research
18 and development credit under this subsection (k) shall apply
19 continuously for all tax years ending on or after December 31,
20 2004 and ending prior to January 1, 2027, including, but not
21 limited to, the period beginning on January 1, 2016 and ending
22 on July 6, 2017 (the effective date of Public Act 100-22) ~~this~~
23 ~~amendatory Act of the 100th General Assembly~~. All actions taken
24 in reliance on the continuation of the credit under this
25 subsection (k) by any taxpayer are hereby validated.

26 (1) Environmental Remediation Tax Credit.

1 (i) For tax years ending after December 31, 1997 and on
2 or before December 31, 2001, a taxpayer shall be allowed a
3 credit against the tax imposed by subsections (a) and (b)
4 of this Section for certain amounts paid for unreimbursed
5 eligible remediation costs, as specified in this
6 subsection. For purposes of this Section, "unreimbursed
7 eligible remediation costs" means costs approved by the
8 Illinois Environmental Protection Agency ("Agency") under
9 Section 58.14 of the Environmental Protection Act that were
10 paid in performing environmental remediation at a site for
11 which a No Further Remediation Letter was issued by the
12 Agency and recorded under Section 58.10 of the
13 Environmental Protection Act. The credit must be claimed
14 for the taxable year in which Agency approval of the
15 eligible remediation costs is granted. The credit is not
16 available to any taxpayer if the taxpayer or any related
17 party caused or contributed to, in any material respect, a
18 release of regulated substances on, in, or under the site
19 that was identified and addressed by the remedial action
20 pursuant to the Site Remediation Program of the
21 Environmental Protection Act. After the Pollution Control
22 Board rules are adopted pursuant to the Illinois
23 Administrative Procedure Act for the administration and
24 enforcement of Section 58.9 of the Environmental
25 Protection Act, determinations as to credit availability
26 for purposes of this Section shall be made consistent with

1 those rules. For purposes of this Section, "taxpayer"
2 includes a person whose tax attributes the taxpayer has
3 succeeded to under Section 381 of the Internal Revenue Code
4 and "related party" includes the persons disallowed a
5 deduction for losses by paragraphs (b), (c), and (f)(1) of
6 Section 267 of the Internal Revenue Code by virtue of being
7 a related taxpayer, as well as any of its partners. The
8 credit allowed against the tax imposed by subsections (a)
9 and (b) shall be equal to 25% of the unreimbursed eligible
10 remediation costs in excess of \$100,000 per site, except
11 that the \$100,000 threshold shall not apply to any site
12 contained in an enterprise zone as determined by the
13 Department of Commerce and Community Affairs (now
14 Department of Commerce and Economic Opportunity). The
15 total credit allowed shall not exceed \$40,000 per year with
16 a maximum total of \$150,000 per site. For partners and
17 shareholders of subchapter S corporations, there shall be
18 allowed a credit under this subsection to be determined in
19 accordance with the determination of income and
20 distributive share of income under Sections 702 and 704 and
21 subchapter S of the Internal Revenue Code.

22 (ii) A credit allowed under this subsection that is
23 unused in the year the credit is earned may be carried
24 forward to each of the 5 taxable years following the year
25 for which the credit is first earned until it is used. The
26 term "unused credit" does not include any amounts of

1 unreimbursed eligible remediation costs in excess of the
2 maximum credit per site authorized under paragraph (i).
3 This credit shall be applied first to the earliest year for
4 which there is a liability. If there is a credit under this
5 subsection from more than one tax year that is available to
6 offset a liability, the earliest credit arising under this
7 subsection shall be applied first. A credit allowed under
8 this subsection may be sold to a buyer as part of a sale of
9 all or part of the remediation site for which the credit
10 was granted. The purchaser of a remediation site and the
11 tax credit shall succeed to the unused credit and remaining
12 carry-forward period of the seller. To perfect the
13 transfer, the assignor shall record the transfer in the
14 chain of title for the site and provide written notice to
15 the Director of the Illinois Department of Revenue of the
16 assignor's intent to sell the remediation site and the
17 amount of the tax credit to be transferred as a portion of
18 the sale. In no event may a credit be transferred to any
19 taxpayer if the taxpayer or a related party would not be
20 eligible under the provisions of subsection (i).

21 (iii) For purposes of this Section, the term "site"
22 shall have the same meaning as under Section 58.2 of the
23 Environmental Protection Act.

24 (m) Education expense credit. Beginning with tax years
25 ending after December 31, 1999, a taxpayer who is the custodian
26 of one or more qualifying pupils shall be allowed a credit

1 against the tax imposed by subsections (a) and (b) of this
2 Section for qualified education expenses incurred on behalf of
3 the qualifying pupils. The credit shall be equal to 25% of
4 qualified education expenses, but in no event may the total
5 credit under this subsection claimed by a family that is the
6 custodian of qualifying pupils exceed (i) \$500 for tax years
7 ending prior to December 31, 2017, and (ii) \$750 for tax years
8 ending on or after December 31, 2017. In no event shall a
9 credit under this subsection reduce the taxpayer's liability
10 under this Act to less than zero. Notwithstanding any other
11 provision of law, for taxable years beginning on or after
12 January 1, 2017, no taxpayer may claim a credit under this
13 subsection (m) if the taxpayer's adjusted gross income for the
14 taxable year exceeds (i) \$500,000, in the case of spouses
15 filing a joint federal tax return or (ii) \$250,000, in the case
16 of all other taxpayers. This subsection is exempt from the
17 provisions of Section 250 of this Act.

18 For purposes of this subsection:

19 "Qualifying pupils" means individuals who (i) are
20 residents of the State of Illinois, (ii) are under the age of
21 21 at the close of the school year for which a credit is
22 sought, and (iii) during the school year for which a credit is
23 sought were full-time pupils enrolled in a kindergarten through
24 twelfth grade education program at any school, as defined in
25 this subsection.

26 "Qualified education expense" means the amount incurred on

1 behalf of a qualifying pupil in excess of \$250 for tuition,
2 book fees, and lab fees at the school in which the pupil is
3 enrolled during the regular school year.

4 "School" means any public or nonpublic elementary or
5 secondary school in Illinois that is in compliance with Title
6 VI of the Civil Rights Act of 1964 and attendance at which
7 satisfies the requirements of Section 26-1 of the School Code,
8 except that nothing shall be construed to require a child to
9 attend any particular public or nonpublic school to qualify for
10 the credit under this Section.

11 "Custodian" means, with respect to qualifying pupils, an
12 Illinois resident who is a parent, the parents, a legal
13 guardian, or the legal guardians of the qualifying pupils.

14 (n) River Edge Redevelopment Zone site remediation tax
15 credit.

16 (i) For tax years ending on or after December 31, 2006,
17 a taxpayer shall be allowed a credit against the tax
18 imposed by subsections (a) and (b) of this Section for
19 certain amounts paid for unreimbursed eligible remediation
20 costs, as specified in this subsection. For purposes of
21 this Section, "unreimbursed eligible remediation costs"
22 means costs approved by the Illinois Environmental
23 Protection Agency ("Agency") under Section 58.14a of the
24 Environmental Protection Act that were paid in performing
25 environmental remediation at a site within a River Edge
26 Redevelopment Zone for which a No Further Remediation

1 Letter was issued by the Agency and recorded under Section
2 58.10 of the Environmental Protection Act. The credit must
3 be claimed for the taxable year in which Agency approval of
4 the eligible remediation costs is granted. The credit is
5 not available to any taxpayer if the taxpayer or any
6 related party caused or contributed to, in any material
7 respect, a release of regulated substances on, in, or under
8 the site that was identified and addressed by the remedial
9 action pursuant to the Site Remediation Program of the
10 Environmental Protection Act. Determinations as to credit
11 availability for purposes of this Section shall be made
12 consistent with rules adopted by the Pollution Control
13 Board pursuant to the Illinois Administrative Procedure
14 Act for the administration and enforcement of Section 58.9
15 of the Environmental Protection Act. For purposes of this
16 Section, "taxpayer" includes a person whose tax attributes
17 the taxpayer has succeeded to under Section 381 of the
18 Internal Revenue Code and "related party" includes the
19 persons disallowed a deduction for losses by paragraphs
20 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
21 Code by virtue of being a related taxpayer, as well as any
22 of its partners. The credit allowed against the tax imposed
23 by subsections (a) and (b) shall be equal to 25% of the
24 unreimbursed eligible remediation costs in excess of
25 \$100,000 per site.

26 (ii) A credit allowed under this subsection that is

1 unused in the year the credit is earned may be carried
2 forward to each of the 5 taxable years following the year
3 for which the credit is first earned until it is used. This
4 credit shall be applied first to the earliest year for
5 which there is a liability. If there is a credit under this
6 subsection from more than one tax year that is available to
7 offset a liability, the earliest credit arising under this
8 subsection shall be applied first. A credit allowed under
9 this subsection may be sold to a buyer as part of a sale of
10 all or part of the remediation site for which the credit
11 was granted. The purchaser of a remediation site and the
12 tax credit shall succeed to the unused credit and remaining
13 carry-forward period of the seller. To perfect the
14 transfer, the assignor shall record the transfer in the
15 chain of title for the site and provide written notice to
16 the Director of the Illinois Department of Revenue of the
17 assignor's intent to sell the remediation site and the
18 amount of the tax credit to be transferred as a portion of
19 the sale. In no event may a credit be transferred to any
20 taxpayer if the taxpayer or a related party would not be
21 eligible under the provisions of subsection (i).

22 (iii) For purposes of this Section, the term "site"
23 shall have the same meaning as under Section 58.2 of the
24 Environmental Protection Act.

25 (o) For each of taxable years during the Compassionate Use
26 of Medical Cannabis Program, a surcharge is imposed on all

1 taxpayers on income arising from the sale or exchange of
2 capital assets, depreciable business property, real property
3 used in the trade or business, and Section 197 intangibles of
4 an organization registrant under the Compassionate Use of
5 Medical Cannabis Program Act. The amount of the surcharge is
6 equal to the amount of federal income tax liability for the
7 taxable year attributable to those sales and exchanges. The
8 surcharge imposed does not apply if:

9 (1) the medical cannabis cultivation center
10 registration, medical cannabis dispensary registration, or
11 the property of a registration is transferred as a result
12 of any of the following:

13 (A) bankruptcy, a receivership, or a debt
14 adjustment initiated by or against the initial
15 registration or the substantial owners of the initial
16 registration;

17 (B) cancellation, revocation, or termination of
18 any registration by the Illinois Department of Public
19 Health;

20 (C) a determination by the Illinois Department of
21 Public Health that transfer of the registration is in
22 the best interests of Illinois qualifying patients as
23 defined by the Compassionate Use of Medical Cannabis
24 Program Act;

25 (D) the death of an owner of the equity interest in
26 a registrant;

1 (E) the acquisition of a controlling interest in
2 the stock or substantially all of the assets of a
3 publicly traded company;

4 (F) a transfer by a parent company to a wholly
5 owned subsidiary; or

6 (G) the transfer or sale to or by one person to
7 another person where both persons were initial owners
8 of the registration when the registration was issued;
9 or

10 (2) the cannabis cultivation center registration,
11 medical cannabis dispensary registration, or the
12 controlling interest in a registrant's property is
13 transferred in a transaction to lineal descendants in which
14 no gain or loss is recognized or as a result of a
15 transaction in accordance with Section 351 of the Internal
16 Revenue Code in which no gain or loss is recognized.

17 (Source: P.A. 100-22, eff. 7-6-17; 101-8, see Section 99 for
18 effective date; 101-9, eff. 6-5-19; 101-31, eff. 6-28-19;
19 101-207, eff. 8-2-19; 101-363, eff. 8-9-19; revised 9-17-19.)

20 (35 ILCS 5/201.1)

21 (This Section may contain text from a Public Act with a
22 delayed effective date)

23 Sec. 201.1. Tax rates. In the case of an individual, trust,
24 or estate, for taxable years beginning on or after January 1,
25 2021, the amount of the tax imposed by subsection (a) of

1 Section 201 of this Act shall be determined according to the
2 following tax rate structure:

3 (1) for taxpayers who do not file a joint return and
4 have a net income of \$750,000 or less:

5 (A) 4.75% of the portion of the taxpayer's net
6 income that does not exceed \$10,000;

7 (B) 4.9% of the portion of the taxpayer's net
8 income that exceeds \$10,000 but does not exceed
9 \$100,000;

10 (C) 4.95% of the portion of the taxpayer's net
11 income that exceeds \$100,000 but does not exceed
12 \$250,000;

13 (D) 7.75% of the portion of the taxpayer's net
14 income that exceeds \$250,000 but does not exceed
15 \$350,000; and

16 (E) 7.85% of the portion of the taxpayer's net
17 income that exceeds \$350,000 but does not exceed
18 \$750,000; ~~and~~

19 (2) for taxpayers who do not file a joint return and
20 have a net income that exceeds \$750,000, 7.99% of the
21 taxpayer's net income;

22 (3) for taxpayers who file a joint return and have a
23 net income of \$1,000,000 or less:

24 (A) 4.75% of the portion of the taxpayer's net
25 income that does not exceed \$10,000;

26 (B) 4.9% of the portion of the taxpayer's net

1 income that exceeds \$10,000 but does not exceed
2 \$100,000;

3 (C) 4.95% of the portion of the taxpayer's net
4 income that exceeds \$100,000 but does not exceed
5 \$250,000;

6 (D) 7.75% of the portion of the taxpayer's net
7 income that exceeds \$250,000 but does not exceed
8 \$500,000; and

9 (E) 7.85% of the portion of the taxpayer's net
10 income that exceeds \$500,000 but does not exceed
11 \$1,000,000; and

12 (4) for taxpayers who file a joint return and have a
13 net income of more than \$1,000,000, 7.99% of the taxpayer's
14 net income.

15 (Source: P.A. 101-8, see Section 99 for effective date; revised
16 7-16-19.)

17 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

18 Sec. 203. Base income defined.

19 (a) Individuals.

20 (1) In general. In the case of an individual, base
21 income means an amount equal to the taxpayer's adjusted
22 gross income for the taxable year as modified by paragraph
23 (2).

24 (2) Modifications. The adjusted gross income referred
25 to in paragraph (1) shall be modified by adding thereto the

1 sum of the following amounts:

2 (A) An amount equal to all amounts paid or accrued
3 to the taxpayer as interest or dividends during the
4 taxable year to the extent excluded from gross income
5 in the computation of adjusted gross income, except
6 stock dividends of qualified public utilities
7 described in Section 305(e) of the Internal Revenue
8 Code;

9 (B) An amount equal to the amount of tax imposed by
10 this Act to the extent deducted from gross income in
11 the computation of adjusted gross income for the
12 taxable year;

13 (C) An amount equal to the amount received during
14 the taxable year as a recovery or refund of real
15 property taxes paid with respect to the taxpayer's
16 principal residence under the Revenue Act of 1939 and
17 for which a deduction was previously taken under
18 subparagraph (L) of this paragraph (2) prior to July 1,
19 1991, the retrospective application date of Article 4
20 of Public Act 87-17. In the case of multi-unit or
21 multi-use structures and farm dwellings, the taxes on
22 the taxpayer's principal residence shall be that
23 portion of the total taxes for the entire property
24 which is attributable to such principal residence;

25 (D) An amount equal to the amount of the capital
26 gain deduction allowable under the Internal Revenue

1 Code, to the extent deducted from gross income in the
2 computation of adjusted gross income;

3 (D-5) An amount, to the extent not included in
4 adjusted gross income, equal to the amount of money
5 withdrawn by the taxpayer in the taxable year from a
6 medical care savings account and the interest earned on
7 the account in the taxable year of a withdrawal
8 pursuant to subsection (b) of Section 20 of the Medical
9 Care Savings Account Act or subsection (b) of Section
10 20 of the Medical Care Savings Account Act of 2000;

11 (D-10) For taxable years ending after December 31,
12 1997, an amount equal to any eligible remediation costs
13 that the individual deducted in computing adjusted
14 gross income and for which the individual claims a
15 credit under subsection (l) of Section 201;

16 (D-15) For taxable years 2001 and thereafter, an
17 amount equal to the bonus depreciation deduction taken
18 on the taxpayer's federal income tax return for the
19 taxable year under subsection (k) of Section 168 of the
20 Internal Revenue Code;

21 (D-16) If the taxpayer sells, transfers, abandons,
22 or otherwise disposes of property for which the
23 taxpayer was required in any taxable year to make an
24 addition modification under subparagraph (D-15), then
25 an amount equal to the aggregate amount of the
26 deductions taken in all taxable years under

1 subparagraph (Z) with respect to that property.

2 If the taxpayer continues to own property through
3 the last day of the last tax year for which the
4 taxpayer may claim a depreciation deduction for
5 federal income tax purposes and for which the taxpayer
6 was allowed in any taxable year to make a subtraction
7 modification under subparagraph (Z), then an amount
8 equal to that subtraction modification.

9 The taxpayer is required to make the addition
10 modification under this subparagraph only once with
11 respect to any one piece of property;

12 (D-17) An amount equal to the amount otherwise
13 allowed as a deduction in computing base income for
14 interest paid, accrued, or incurred, directly or
15 indirectly, (i) for taxable years ending on or after
16 December 31, 2004, to a foreign person who would be a
17 member of the same unitary business group but for the
18 fact that foreign person's business activity outside
19 the United States is 80% or more of the foreign
20 person's total business activity and (ii) for taxable
21 years ending on or after December 31, 2008, to a person
22 who would be a member of the same unitary business
23 group but for the fact that the person is prohibited
24 under Section 1501(a)(27) from being included in the
25 unitary business group because he or she is ordinarily
26 required to apportion business income under different

1 subsections of Section 304. The addition modification
2 required by this subparagraph shall be reduced to the
3 extent that dividends were included in base income of
4 the unitary group for the same taxable year and
5 received by the taxpayer or by a member of the
6 taxpayer's unitary business group (including amounts
7 included in gross income under Sections 951 through 964
8 of the Internal Revenue Code and amounts included in
9 gross income under Section 78 of the Internal Revenue
10 Code) with respect to the stock of the same person to
11 whom the interest was paid, accrued, or incurred.

12 This paragraph shall not apply to the following:

13 (i) an item of interest paid, accrued, or
14 incurred, directly or indirectly, to a person who
15 is subject in a foreign country or state, other
16 than a state which requires mandatory unitary
17 reporting, to a tax on or measured by net income
18 with respect to such interest; or

19 (ii) an item of interest paid, accrued, or
20 incurred, directly or indirectly, to a person if
21 the taxpayer can establish, based on a
22 preponderance of the evidence, both of the
23 following:

24 (a) the person, during the same taxable
25 year, paid, accrued, or incurred, the interest
26 to a person that is not a related member, and

1 (b) the transaction giving rise to the
2 interest expense between the taxpayer and the
3 person did not have as a principal purpose the
4 avoidance of Illinois income tax, and is paid
5 pursuant to a contract or agreement that
6 reflects an arm's-length interest rate and
7 terms; or

8 (iii) the taxpayer can establish, based on
9 clear and convincing evidence, that the interest
10 paid, accrued, or incurred relates to a contract or
11 agreement entered into at arm's-length rates and
12 terms and the principal purpose for the payment is
13 not federal or Illinois tax avoidance; or

14 (iv) an item of interest paid, accrued, or
15 incurred, directly or indirectly, to a person if
16 the taxpayer establishes by clear and convincing
17 evidence that the adjustments are unreasonable; or
18 if the taxpayer and the Director agree in writing
19 to the application or use of an alternative method
20 of apportionment under Section 304(f).

21 Nothing in this subsection shall preclude the
22 Director from making any other adjustment
23 otherwise allowed under Section 404 of this Act for
24 any tax year beginning after the effective date of
25 this amendment provided such adjustment is made
26 pursuant to regulation adopted by the Department

1 and such regulations provide methods and standards
2 by which the Department will utilize its authority
3 under Section 404 of this Act;

4 (D-18) An amount equal to the amount of intangible
5 expenses and costs otherwise allowed as a deduction in
6 computing base income, and that were paid, accrued, or
7 incurred, directly or indirectly, (i) for taxable
8 years ending on or after December 31, 2004, to a
9 foreign person who would be a member of the same
10 unitary business group but for the fact that the
11 foreign person's business activity outside the United
12 States is 80% or more of that person's total business
13 activity and (ii) for taxable years ending on or after
14 December 31, 2008, to a person who would be a member of
15 the same unitary business group but for the fact that
16 the person is prohibited under Section 1501(a)(27)
17 from being included in the unitary business group
18 because he or she is ordinarily required to apportion
19 business income under different subsections of Section
20 304. The addition modification required by this
21 subparagraph shall be reduced to the extent that
22 dividends were included in base income of the unitary
23 group for the same taxable year and received by the
24 taxpayer or by a member of the taxpayer's unitary
25 business group (including amounts included in gross
26 income under Sections 951 through 964 of the Internal

1 Revenue Code and amounts included in gross income under
2 Section 78 of the Internal Revenue Code) with respect
3 to the stock of the same person to whom the intangible
4 expenses and costs were directly or indirectly paid,
5 incurred, or accrued. The preceding sentence does not
6 apply to the extent that the same dividends caused a
7 reduction to the addition modification required under
8 Section 203(a)(2)(D-17) of this Act. As used in this
9 subparagraph, the term "intangible expenses and costs"
10 includes (1) expenses, losses, and costs for, or
11 related to, the direct or indirect acquisition, use,
12 maintenance or management, ownership, sale, exchange,
13 or any other disposition of intangible property; (2)
14 losses incurred, directly or indirectly, from
15 factoring transactions or discounting transactions;
16 (3) royalty, patent, technical, and copyright fees;
17 (4) licensing fees; and (5) other similar expenses and
18 costs. For purposes of this subparagraph, "intangible
19 property" includes patents, patent applications, trade
20 names, trademarks, service marks, copyrights, mask
21 works, trade secrets, and similar types of intangible
22 assets.

23 This paragraph shall not apply to the following:

24 (i) any item of intangible expenses or costs
25 paid, accrued, or incurred, directly or
26 indirectly, from a transaction with a person who is

1 subject in a foreign country or state, other than a
2 state which requires mandatory unitary reporting,
3 to a tax on or measured by net income with respect
4 to such item; or

5 (ii) any item of intangible expense or cost
6 paid, accrued, or incurred, directly or
7 indirectly, if the taxpayer can establish, based
8 on a preponderance of the evidence, both of the
9 following:

10 (a) the person during the same taxable
11 year paid, accrued, or incurred, the
12 intangible expense or cost to a person that is
13 not a related member, and

14 (b) the transaction giving rise to the
15 intangible expense or cost between the
16 taxpayer and the person did not have as a
17 principal purpose the avoidance of Illinois
18 income tax, and is paid pursuant to a contract
19 or agreement that reflects arm's-length terms;

20 or

21 (iii) any item of intangible expense or cost
22 paid, accrued, or incurred, directly or
23 indirectly, from a transaction with a person if the
24 taxpayer establishes by clear and convincing
25 evidence, that the adjustments are unreasonable;
26 or if the taxpayer and the Director agree in

1 writing to the application or use of an alternative
2 method of apportionment under Section 304(f);

3 Nothing in this subsection shall preclude the
4 Director from making any other adjustment
5 otherwise allowed under Section 404 of this Act for
6 any tax year beginning after the effective date of
7 this amendment provided such adjustment is made
8 pursuant to regulation adopted by the Department
9 and such regulations provide methods and standards
10 by which the Department will utilize its authority
11 under Section 404 of this Act;

12 (D-19) For taxable years ending on or after
13 December 31, 2008, an amount equal to the amount of
14 insurance premium expenses and costs otherwise allowed
15 as a deduction in computing base income, and that were
16 paid, accrued, or incurred, directly or indirectly, to
17 a person who would be a member of the same unitary
18 business group but for the fact that the person is
19 prohibited under Section 1501(a)(27) from being
20 included in the unitary business group because he or
21 she is ordinarily required to apportion business
22 income under different subsections of Section 304. The
23 addition modification required by this subparagraph
24 shall be reduced to the extent that dividends were
25 included in base income of the unitary group for the
26 same taxable year and received by the taxpayer or by a

1 member of the taxpayer's unitary business group
2 (including amounts included in gross income under
3 Sections 951 through 964 of the Internal Revenue Code
4 and amounts included in gross income under Section 78
5 of the Internal Revenue Code) with respect to the stock
6 of the same person to whom the premiums and costs were
7 directly or indirectly paid, incurred, or accrued. The
8 preceding sentence does not apply to the extent that
9 the same dividends caused a reduction to the addition
10 modification required under Section 203(a)(2)(D-17) or
11 Section 203(a)(2)(D-18) of this Act;~~;~~

12 (D-20) For taxable years beginning on or after
13 January 1, 2002 and ending on or before December 31,
14 2006, in the case of a distribution from a qualified
15 tuition program under Section 529 of the Internal
16 Revenue Code, other than (i) a distribution from a
17 College Savings Pool created under Section 16.5 of the
18 State Treasurer Act or (ii) a distribution from the
19 Illinois Prepaid Tuition Trust Fund, an amount equal to
20 the amount excluded from gross income under Section
21 529(c)(3)(B). For taxable years beginning on or after
22 January 1, 2007, in the case of a distribution from a
23 qualified tuition program under Section 529 of the
24 Internal Revenue Code, other than (i) a distribution
25 from a College Savings Pool created under Section 16.5
26 of the State Treasurer Act, (ii) a distribution from

1 the Illinois Prepaid Tuition Trust Fund, or (iii) a
2 distribution from a qualified tuition program under
3 Section 529 of the Internal Revenue Code that (I)
4 adopts and determines that its offering materials
5 comply with the College Savings Plans Network's
6 disclosure principles and (II) has made reasonable
7 efforts to inform in-state residents of the existence
8 of in-state qualified tuition programs by informing
9 Illinois residents directly and, where applicable, to
10 inform financial intermediaries distributing the
11 program to inform in-state residents of the existence
12 of in-state qualified tuition programs at least
13 annually, an amount equal to the amount excluded from
14 gross income under Section 529(c)(3)(B).

15 For the purposes of this subparagraph (D-20), a
16 qualified tuition program has made reasonable efforts
17 if it makes disclosures (which may use the term
18 "in-state program" or "in-state plan" and need not
19 specifically refer to Illinois or its qualified
20 programs by name) (i) directly to prospective
21 participants in its offering materials or makes a
22 public disclosure, such as a website posting; and (ii)
23 where applicable, to intermediaries selling the
24 out-of-state program in the same manner that the
25 out-of-state program distributes its offering
26 materials;

1 (D-20.5) For taxable years beginning on or after
2 January 1, 2018, in the case of a distribution from a
3 qualified ABLE program under Section 529A of the
4 Internal Revenue Code, other than a distribution from a
5 qualified ABLE program created under Section 16.6 of
6 the State Treasurer Act, an amount equal to the amount
7 excluded from gross income under Section 529A(c)(1)(B)
8 of the Internal Revenue Code;

9 (D-21) For taxable years beginning on or after
10 January 1, 2007, in the case of transfer of moneys from
11 a qualified tuition program under Section 529 of the
12 Internal Revenue Code that is administered by the State
13 to an out-of-state program, an amount equal to the
14 amount of moneys previously deducted from base income
15 under subsection (a)(2)(Y) of this Section;

16 (D-21.5) For taxable years beginning on or after
17 January 1, 2018, in the case of the transfer of moneys
18 from a qualified tuition program under Section 529 or a
19 qualified ABLE program under Section 529A of the
20 Internal Revenue Code that is administered by this
21 State to an ABLE account established under an
22 out-of-state ABLE account program, an amount equal to
23 the contribution component of the transferred amount
24 that was previously deducted from base income under
25 subsection (a)(2)(Y) or subsection (a)(2)(HH) of this
26 Section;

1 (D-22) For taxable years beginning on or after
2 January 1, 2009, and prior to January 1, 2018, in the
3 case of a nonqualified withdrawal or refund of moneys
4 from a qualified tuition program under Section 529 of
5 the Internal Revenue Code administered by the State
6 that is not used for qualified expenses at an eligible
7 education institution, an amount equal to the
8 contribution component of the nonqualified withdrawal
9 or refund that was previously deducted from base income
10 under subsection (a)(2)(y) of this Section, provided
11 that the withdrawal or refund did not result from the
12 beneficiary's death or disability. For taxable years
13 beginning on or after January 1, 2018: (1) in the case
14 of a nonqualified withdrawal or refund, as defined
15 under Section 16.5 of the State Treasurer Act, of
16 moneys from a qualified tuition program under Section
17 529 of the Internal Revenue Code administered by the
18 State, an amount equal to the contribution component of
19 the nonqualified withdrawal or refund that was
20 previously deducted from base income under subsection
21 (a)(2)(Y) of this Section, and (2) in the case of a
22 nonqualified withdrawal or refund from a qualified
23 ABLE program under Section 529A of the Internal Revenue
24 Code administered by the State that is not used for
25 qualified disability expenses, an amount equal to the
26 contribution component of the nonqualified withdrawal

1 or refund that was previously deducted from base income
2 under subsection (a) (2) (HH) of this Section;

3 (D-23) An amount equal to the credit allowable to
4 the taxpayer under Section 218(a) of this Act,
5 determined without regard to Section 218(c) of this
6 Act;

7 (D-24) For taxable years ending on or after
8 December 31, 2017, an amount equal to the deduction
9 allowed under Section 199 of the Internal Revenue Code
10 for the taxable year;

11 and by deducting from the total so obtained the sum of the
12 following amounts:

13 (E) For taxable years ending before December 31,
14 2001, any amount included in such total in respect of
15 any compensation (including but not limited to any
16 compensation paid or accrued to a serviceman while a
17 prisoner of war or missing in action) paid to a
18 resident by reason of being on active duty in the Armed
19 Forces of the United States and in respect of any
20 compensation paid or accrued to a resident who as a
21 governmental employee was a prisoner of war or missing
22 in action, and in respect of any compensation paid to a
23 resident in 1971 or thereafter for annual training
24 performed pursuant to Sections 502 and 503, Title 32,
25 United States Code as a member of the Illinois National
26 Guard or, beginning with taxable years ending on or

1 after December 31, 2007, the National Guard of any
2 other state. For taxable years ending on or after
3 December 31, 2001, any amount included in such total in
4 respect of any compensation (including but not limited
5 to any compensation paid or accrued to a serviceman
6 while a prisoner of war or missing in action) paid to a
7 resident by reason of being a member of any component
8 of the Armed Forces of the United States and in respect
9 of any compensation paid or accrued to a resident who
10 as a governmental employee was a prisoner of war or
11 missing in action, and in respect of any compensation
12 paid to a resident in 2001 or thereafter by reason of
13 being a member of the Illinois National Guard or,
14 beginning with taxable years ending on or after
15 December 31, 2007, the National Guard of any other
16 state. The provisions of this subparagraph (E) are
17 exempt from the provisions of Section 250;

18 (F) An amount equal to all amounts included in such
19 total pursuant to the provisions of Sections 402(a),
20 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
21 Internal Revenue Code, or included in such total as
22 distributions under the provisions of any retirement
23 or disability plan for employees of any governmental
24 agency or unit, or retirement payments to retired
25 partners, which payments are excluded in computing net
26 earnings from self employment by Section 1402 of the

1 Internal Revenue Code and regulations adopted pursuant
2 thereto;

3 (G) The valuation limitation amount;

4 (H) An amount equal to the amount of any tax
5 imposed by this Act which was refunded to the taxpayer
6 and included in such total for the taxable year;

7 (I) An amount equal to all amounts included in such
8 total pursuant to the provisions of Section 111 of the
9 Internal Revenue Code as a recovery of items previously
10 deducted from adjusted gross income in the computation
11 of taxable income;

12 (J) An amount equal to those dividends included in
13 such total which were paid by a corporation which
14 conducts business operations in a River Edge
15 Redevelopment Zone or zones created under the River
16 Edge Redevelopment Zone Act, and conducts
17 substantially all of its operations in a River Edge
18 Redevelopment Zone or zones. This subparagraph (J) is
19 exempt from the provisions of Section 250;

20 (K) An amount equal to those dividends included in
21 such total that were paid by a corporation that
22 conducts business operations in a federally designated
23 Foreign Trade Zone or Sub-Zone and that is designated a
24 High Impact Business located in Illinois; provided
25 that dividends eligible for the deduction provided in
26 subparagraph (J) of paragraph (2) of this subsection

1 shall not be eligible for the deduction provided under
2 this subparagraph (K);

3 (L) For taxable years ending after December 31,
4 1983, an amount equal to all social security benefits
5 and railroad retirement benefits included in such
6 total pursuant to Sections 72(r) and 86 of the Internal
7 Revenue Code;

8 (M) With the exception of any amounts subtracted
9 under subparagraph (N), an amount equal to the sum of
10 all amounts disallowed as deductions by (i) Sections
11 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
12 and all amounts of expenses allocable to interest and
13 disallowed as deductions by Section 265(a)(1) of the
14 Internal Revenue Code; and (ii) for taxable years
15 ending on or after August 13, 1999, Sections 171(a)(2),
16 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue
17 Code, plus, for taxable years ending on or after
18 December 31, 2011, Section 45G(e)(3) of the Internal
19 Revenue Code and, for taxable years ending on or after
20 December 31, 2008, any amount included in gross income
21 under Section 87 of the Internal Revenue Code; the
22 provisions of this subparagraph are exempt from the
23 provisions of Section 250;

24 (N) An amount equal to all amounts included in such
25 total which are exempt from taxation by this State
26 either by reason of its statutes or Constitution or by

1 reason of the Constitution, treaties or statutes of the
2 United States; provided that, in the case of any
3 statute of this State that exempts income derived from
4 bonds or other obligations from the tax imposed under
5 this Act, the amount exempted shall be the interest net
6 of bond premium amortization;

7 (O) An amount equal to any contribution made to a
8 job training project established pursuant to the Tax
9 Increment Allocation Redevelopment Act;

10 (P) An amount equal to the amount of the deduction
11 used to compute the federal income tax credit for
12 restoration of substantial amounts held under claim of
13 right for the taxable year pursuant to Section 1341 of
14 the Internal Revenue Code or of any itemized deduction
15 taken from adjusted gross income in the computation of
16 taxable income for restoration of substantial amounts
17 held under claim of right for the taxable year;

18 (Q) An amount equal to any amounts included in such
19 total, received by the taxpayer as an acceleration in
20 the payment of life, endowment or annuity benefits in
21 advance of the time they would otherwise be payable as
22 an indemnity for a terminal illness;

23 (R) An amount equal to the amount of any federal or
24 State bonus paid to veterans of the Persian Gulf War;

25 (S) An amount, to the extent included in adjusted
26 gross income, equal to the amount of a contribution

1 made in the taxable year on behalf of the taxpayer to a
2 medical care savings account established under the
3 Medical Care Savings Account Act or the Medical Care
4 Savings Account Act of 2000 to the extent the
5 contribution is accepted by the account administrator
6 as provided in that Act;

7 (T) An amount, to the extent included in adjusted
8 gross income, equal to the amount of interest earned in
9 the taxable year on a medical care savings account
10 established under the Medical Care Savings Account Act
11 or the Medical Care Savings Account Act of 2000 on
12 behalf of the taxpayer, other than interest added
13 pursuant to item (D-5) of this paragraph (2);

14 (U) For one taxable year beginning on or after
15 January 1, 1994, an amount equal to the total amount of
16 tax imposed and paid under subsections (a) and (b) of
17 Section 201 of this Act on grant amounts received by
18 the taxpayer under the Nursing Home Grant Assistance
19 Act during the taxpayer's taxable years 1992 and 1993;

20 (V) Beginning with tax years ending on or after
21 December 31, 1995 and ending with tax years ending on
22 or before December 31, 2004, an amount equal to the
23 amount paid by a taxpayer who is a self-employed
24 taxpayer, a partner of a partnership, or a shareholder
25 in a Subchapter S corporation for health insurance or
26 long-term care insurance for that taxpayer or that

1 taxpayer's spouse or dependents, to the extent that the
2 amount paid for that health insurance or long-term care
3 insurance may be deducted under Section 213 of the
4 Internal Revenue Code, has not been deducted on the
5 federal income tax return of the taxpayer, and does not
6 exceed the taxable income attributable to that
7 taxpayer's income, self-employment income, or
8 Subchapter S corporation income; except that no
9 deduction shall be allowed under this item (V) if the
10 taxpayer is eligible to participate in any health
11 insurance or long-term care insurance plan of an
12 employer of the taxpayer or the taxpayer's spouse. The
13 amount of the health insurance and long-term care
14 insurance subtracted under this item (V) shall be
15 determined by multiplying total health insurance and
16 long-term care insurance premiums paid by the taxpayer
17 times a number that represents the fractional
18 percentage of eligible medical expenses under Section
19 213 of the Internal Revenue Code of 1986 not actually
20 deducted on the taxpayer's federal income tax return;

21 (W) For taxable years beginning on or after January
22 1, 1998, all amounts included in the taxpayer's federal
23 gross income in the taxable year from amounts converted
24 from a regular IRA to a Roth IRA. This paragraph is
25 exempt from the provisions of Section 250;

26 (X) For taxable year 1999 and thereafter, an amount

1 equal to the amount of any (i) distributions, to the
2 extent includible in gross income for federal income
3 tax purposes, made to the taxpayer because of his or
4 her status as a victim of persecution for racial or
5 religious reasons by Nazi Germany or any other Axis
6 regime or as an heir of the victim and (ii) items of
7 income, to the extent includible in gross income for
8 federal income tax purposes, attributable to, derived
9 from or in any way related to assets stolen from,
10 hidden from, or otherwise lost to a victim of
11 persecution for racial or religious reasons by Nazi
12 Germany or any other Axis regime immediately prior to,
13 during, and immediately after World War II, including,
14 but not limited to, interest on the proceeds receivable
15 as insurance under policies issued to a victim of
16 persecution for racial or religious reasons by Nazi
17 Germany or any other Axis regime by European insurance
18 companies immediately prior to and during World War II;
19 provided, however, this subtraction from federal
20 adjusted gross income does not apply to assets acquired
21 with such assets or with the proceeds from the sale of
22 such assets; provided, further, this paragraph shall
23 only apply to a taxpayer who was the first recipient of
24 such assets after their recovery and who is a victim of
25 persecution for racial or religious reasons by Nazi
26 Germany or any other Axis regime or as an heir of the

1 victim. The amount of and the eligibility for any
2 public assistance, benefit, or similar entitlement is
3 not affected by the inclusion of items (i) and (ii) of
4 this paragraph in gross income for federal income tax
5 purposes. This paragraph is exempt from the provisions
6 of Section 250;

7 (Y) For taxable years beginning on or after January
8 1, 2002 and ending on or before December 31, 2004,
9 moneys contributed in the taxable year to a College
10 Savings Pool account under Section 16.5 of the State
11 Treasurer Act, except that amounts excluded from gross
12 income under Section 529(c)(3)(C)(i) of the Internal
13 Revenue Code shall not be considered moneys
14 contributed under this subparagraph (Y). For taxable
15 years beginning on or after January 1, 2005, a maximum
16 of \$10,000 contributed in the taxable year to (i) a
17 College Savings Pool account under Section 16.5 of the
18 State Treasurer Act or (ii) the Illinois Prepaid
19 Tuition Trust Fund, except that amounts excluded from
20 gross income under Section 529(c)(3)(C)(i) of the
21 Internal Revenue Code shall not be considered moneys
22 contributed under this subparagraph (Y). For purposes
23 of this subparagraph, contributions made by an
24 employer on behalf of an employee, or matching
25 contributions made by an employee, shall be treated as
26 made by the employee. This subparagraph (Y) is exempt

1 from the provisions of Section 250;

2 (Z) For taxable years 2001 and thereafter, for the
3 taxable year in which the bonus depreciation deduction
4 is taken on the taxpayer's federal income tax return
5 under subsection (k) of Section 168 of the Internal
6 Revenue Code and for each applicable taxable year
7 thereafter, an amount equal to "x", where:

8 (1) "y" equals the amount of the depreciation
9 deduction taken for the taxable year on the
10 taxpayer's federal income tax return on property
11 for which the bonus depreciation deduction was
12 taken in any year under subsection (k) of Section
13 168 of the Internal Revenue Code, but not including
14 the bonus depreciation deduction;

15 (2) for taxable years ending on or before
16 December 31, 2005, "x" equals "y" multiplied by 30
17 and then divided by 70 (or "y" multiplied by
18 0.429); and

19 (3) for taxable years ending after December
20 31, 2005:

21 (i) for property on which a bonus
22 depreciation deduction of 30% of the adjusted
23 basis was taken, "x" equals "y" multiplied by
24 30 and then divided by 70 (or "y" multiplied by
25 0.429); and

26 (ii) for property on which a bonus

1 depreciation deduction of 50% of the adjusted
2 basis was taken, "x" equals "y" multiplied by
3 1.0.

4 The aggregate amount deducted under this
5 subparagraph in all taxable years for any one piece of
6 property may not exceed the amount of the bonus
7 depreciation deduction taken on that property on the
8 taxpayer's federal income tax return under subsection
9 (k) of Section 168 of the Internal Revenue Code. This
10 subparagraph (Z) is exempt from the provisions of
11 Section 250;

12 (AA) If the taxpayer sells, transfers, abandons,
13 or otherwise disposes of property for which the
14 taxpayer was required in any taxable year to make an
15 addition modification under subparagraph (D-15), then
16 an amount equal to that addition modification.

17 If the taxpayer continues to own property through
18 the last day of the last tax year for which the
19 taxpayer may claim a depreciation deduction for
20 federal income tax purposes and for which the taxpayer
21 was required in any taxable year to make an addition
22 modification under subparagraph (D-15), then an amount
23 equal to that addition modification.

24 The taxpayer is allowed to take the deduction under
25 this subparagraph only once with respect to any one
26 piece of property.

1 This subparagraph (AA) is exempt from the
2 provisions of Section 250;

3 (BB) Any amount included in adjusted gross income,
4 other than salary, received by a driver in a
5 ridesharing arrangement using a motor vehicle;

6 (CC) The amount of (i) any interest income (net of
7 the deductions allocable thereto) taken into account
8 for the taxable year with respect to a transaction with
9 a taxpayer that is required to make an addition
10 modification with respect to such transaction under
11 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
12 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
13 the amount of that addition modification, and (ii) any
14 income from intangible property (net of the deductions
15 allocable thereto) taken into account for the taxable
16 year with respect to a transaction with a taxpayer that
17 is required to make an addition modification with
18 respect to such transaction under Section
19 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
20 203(d)(2)(D-8), but not to exceed the amount of that
21 addition modification. This subparagraph (CC) is
22 exempt from the provisions of Section 250;

23 (DD) An amount equal to the interest income taken
24 into account for the taxable year (net of the
25 deductions allocable thereto) with respect to
26 transactions with (i) a foreign person who would be a

1 member of the taxpayer's unitary business group but for
2 the fact that the foreign person's business activity
3 outside the United States is 80% or more of that
4 person's total business activity and (ii) for taxable
5 years ending on or after December 31, 2008, to a person
6 who would be a member of the same unitary business
7 group but for the fact that the person is prohibited
8 under Section 1501(a)(27) from being included in the
9 unitary business group because he or she is ordinarily
10 required to apportion business income under different
11 subsections of Section 304, but not to exceed the
12 addition modification required to be made for the same
13 taxable year under Section 203(a)(2)(D-17) for
14 interest paid, accrued, or incurred, directly or
15 indirectly, to the same person. This subparagraph (DD)
16 is exempt from the provisions of Section 250;

17 (EE) An amount equal to the income from intangible
18 property taken into account for the taxable year (net
19 of the deductions allocable thereto) with respect to
20 transactions with (i) a foreign person who would be a
21 member of the taxpayer's unitary business group but for
22 the fact that the foreign person's business activity
23 outside the United States is 80% or more of that
24 person's total business activity and (ii) for taxable
25 years ending on or after December 31, 2008, to a person
26 who would be a member of the same unitary business

1 group but for the fact that the person is prohibited
2 under Section 1501(a)(27) from being included in the
3 unitary business group because he or she is ordinarily
4 required to apportion business income under different
5 subsections of Section 304, but not to exceed the
6 addition modification required to be made for the same
7 taxable year under Section 203(a)(2)(D-18) for
8 intangible expenses and costs paid, accrued, or
9 incurred, directly or indirectly, to the same foreign
10 person. This subparagraph (EE) is exempt from the
11 provisions of Section 250;

12 (FF) An amount equal to any amount awarded to the
13 taxpayer during the taxable year by the Court of Claims
14 under subsection (c) of Section 8 of the Court of
15 Claims Act for time unjustly served in a State prison.
16 This subparagraph (FF) is exempt from the provisions of
17 Section 250;

18 (GG) For taxable years ending on or after December
19 31, 2011, in the case of a taxpayer who was required to
20 add back any insurance premiums under Section
21 203(a)(2)(D-19), such taxpayer may elect to subtract
22 that part of a reimbursement received from the
23 insurance company equal to the amount of the expense or
24 loss (including expenses incurred by the insurance
25 company) that would have been taken into account as a
26 deduction for federal income tax purposes if the

1 expense or loss had been uninsured. If a taxpayer makes
2 the election provided for by this subparagraph (GG),
3 the insurer to which the premiums were paid must add
4 back to income the amount subtracted by the taxpayer
5 pursuant to this subparagraph (GG). This subparagraph
6 (GG) is exempt from the provisions of Section 250; and

7 (HH) For taxable years beginning on or after
8 January 1, 2018 and prior to January 1, 2023, a maximum
9 of \$10,000 contributed in the taxable year to a
10 qualified ABLE account under Section 16.6 of the State
11 Treasurer Act, except that amounts excluded from gross
12 income under Section 529(c)(3)(C)(i) or Section
13 529A(c)(1)(C) of the Internal Revenue Code shall not be
14 considered moneys contributed under this subparagraph
15 (HH). For purposes of this subparagraph (HH),
16 contributions made by an employer on behalf of an
17 employee, or matching contributions made by an
18 employee, shall be treated as made by the employee.

19 (b) Corporations.

20 (1) In general. In the case of a corporation, base
21 income means an amount equal to the taxpayer's taxable
22 income for the taxable year as modified by paragraph (2).

23 (2) Modifications. The taxable income referred to in
24 paragraph (1) shall be modified by adding thereto the sum
25 of the following amounts:

1 (A) An amount equal to all amounts paid or accrued
2 to the taxpayer as interest and all distributions
3 received from regulated investment companies during
4 the taxable year to the extent excluded from gross
5 income in the computation of taxable income;

6 (B) An amount equal to the amount of tax imposed by
7 this Act to the extent deducted from gross income in
8 the computation of taxable income for the taxable year;

9 (C) In the case of a regulated investment company,
10 an amount equal to the excess of (i) the net long-term
11 capital gain for the taxable year, over (ii) the amount
12 of the capital gain dividends designated as such in
13 accordance with Section 852(b)(3)(C) of the Internal
14 Revenue Code and any amount designated under Section
15 852(b)(3)(D) of the Internal Revenue Code,
16 attributable to the taxable year (this amendatory Act
17 of 1995 (Public Act 89-89) is declarative of existing
18 law and is not a new enactment);

19 (D) The amount of any net operating loss deduction
20 taken in arriving at taxable income, other than a net
21 operating loss carried forward from a taxable year
22 ending prior to December 31, 1986;

23 (E) For taxable years in which a net operating loss
24 carryback or carryforward from a taxable year ending
25 prior to December 31, 1986 is an element of taxable
26 income under paragraph (1) of subsection (e) or

1 subparagraph (E) of paragraph (2) of subsection (e),
2 the amount by which addition modifications other than
3 those provided by this subparagraph (E) exceeded
4 subtraction modifications in such earlier taxable
5 year, with the following limitations applied in the
6 order that they are listed:

7 (i) the addition modification relating to the
8 net operating loss carried back or forward to the
9 taxable year from any taxable year ending prior to
10 December 31, 1986 shall be reduced by the amount of
11 addition modification under this subparagraph (E)
12 which related to that net operating loss and which
13 was taken into account in calculating the base
14 income of an earlier taxable year, and

15 (ii) the addition modification relating to the
16 net operating loss carried back or forward to the
17 taxable year from any taxable year ending prior to
18 December 31, 1986 shall not exceed the amount of
19 such carryback or carryforward;

20 For taxable years in which there is a net operating
21 loss carryback or carryforward from more than one other
22 taxable year ending prior to December 31, 1986, the
23 addition modification provided in this subparagraph
24 (E) shall be the sum of the amounts computed
25 independently under the preceding provisions of this
26 subparagraph (E) for each such taxable year;

1 (E-5) For taxable years ending after December 31,
2 1997, an amount equal to any eligible remediation costs
3 that the corporation deducted in computing adjusted
4 gross income and for which the corporation claims a
5 credit under subsection (l) of Section 201;

6 (E-10) For taxable years 2001 and thereafter, an
7 amount equal to the bonus depreciation deduction taken
8 on the taxpayer's federal income tax return for the
9 taxable year under subsection (k) of Section 168 of the
10 Internal Revenue Code;

11 (E-11) If the taxpayer sells, transfers, abandons,
12 or otherwise disposes of property for which the
13 taxpayer was required in any taxable year to make an
14 addition modification under subparagraph (E-10), then
15 an amount equal to the aggregate amount of the
16 deductions taken in all taxable years under
17 subparagraph (T) with respect to that property.

18 If the taxpayer continues to own property through
19 the last day of the last tax year for which the
20 taxpayer may claim a depreciation deduction for
21 federal income tax purposes and for which the taxpayer
22 was allowed in any taxable year to make a subtraction
23 modification under subparagraph (T), then an amount
24 equal to that subtraction modification.

25 The taxpayer is required to make the addition
26 modification under this subparagraph only once with

1 respect to any one piece of property;

2 (E-12) An amount equal to the amount otherwise
3 allowed as a deduction in computing base income for
4 interest paid, accrued, or incurred, directly or
5 indirectly, (i) for taxable years ending on or after
6 December 31, 2004, to a foreign person who would be a
7 member of the same unitary business group but for the
8 fact the foreign person's business activity outside
9 the United States is 80% or more of the foreign
10 person's total business activity and (ii) for taxable
11 years ending on or after December 31, 2008, to a person
12 who would be a member of the same unitary business
13 group but for the fact that the person is prohibited
14 under Section 1501(a)(27) from being included in the
15 unitary business group because he or she is ordinarily
16 required to apportion business income under different
17 subsections of Section 304. The addition modification
18 required by this subparagraph shall be reduced to the
19 extent that dividends were included in base income of
20 the unitary group for the same taxable year and
21 received by the taxpayer or by a member of the
22 taxpayer's unitary business group (including amounts
23 included in gross income pursuant to Sections 951
24 through 964 of the Internal Revenue Code and amounts
25 included in gross income under Section 78 of the
26 Internal Revenue Code) with respect to the stock of the

1 same person to whom the interest was paid, accrued, or
2 incurred.

3 This paragraph shall not apply to the following:

4 (i) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a person who
6 is subject in a foreign country or state, other
7 than a state which requires mandatory unitary
8 reporting, to a tax on or measured by net income
9 with respect to such interest; or

10 (ii) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a person if
12 the taxpayer can establish, based on a
13 preponderance of the evidence, both of the
14 following:

15 (a) the person, during the same taxable
16 year, paid, accrued, or incurred, the interest
17 to a person that is not a related member, and

18 (b) the transaction giving rise to the
19 interest expense between the taxpayer and the
20 person did not have as a principal purpose the
21 avoidance of Illinois income tax, and is paid
22 pursuant to a contract or agreement that
23 reflects an arm's-length interest rate and
24 terms; or

25 (iii) the taxpayer can establish, based on
26 clear and convincing evidence, that the interest

1 paid, accrued, or incurred relates to a contract or
2 agreement entered into at arm's-length rates and
3 terms and the principal purpose for the payment is
4 not federal or Illinois tax avoidance; or

5 (iv) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a person if
7 the taxpayer establishes by clear and convincing
8 evidence that the adjustments are unreasonable; or
9 if the taxpayer and the Director agree in writing
10 to the application or use of an alternative method
11 of apportionment under Section 304(f).

12 Nothing in this subsection shall preclude the
13 Director from making any other adjustment
14 otherwise allowed under Section 404 of this Act for
15 any tax year beginning after the effective date of
16 this amendment provided such adjustment is made
17 pursuant to regulation adopted by the Department
18 and such regulations provide methods and standards
19 by which the Department will utilize its authority
20 under Section 404 of this Act;

21 (E-13) An amount equal to the amount of intangible
22 expenses and costs otherwise allowed as a deduction in
23 computing base income, and that were paid, accrued, or
24 incurred, directly or indirectly, (i) for taxable
25 years ending on or after December 31, 2004, to a
26 foreign person who would be a member of the same

1 unitary business group but for the fact that the
2 foreign person's business activity outside the United
3 States is 80% or more of that person's total business
4 activity and (ii) for taxable years ending on or after
5 December 31, 2008, to a person who would be a member of
6 the same unitary business group but for the fact that
7 the person is prohibited under Section 1501(a)(27)
8 from being included in the unitary business group
9 because he or she is ordinarily required to apportion
10 business income under different subsections of Section
11 304. The addition modification required by this
12 subparagraph shall be reduced to the extent that
13 dividends were included in base income of the unitary
14 group for the same taxable year and received by the
15 taxpayer or by a member of the taxpayer's unitary
16 business group (including amounts included in gross
17 income pursuant to Sections 951 through 964 of the
18 Internal Revenue Code and amounts included in gross
19 income under Section 78 of the Internal Revenue Code)
20 with respect to the stock of the same person to whom
21 the intangible expenses and costs were directly or
22 indirectly paid, incurred, or accrued. The preceding
23 sentence shall not apply to the extent that the same
24 dividends caused a reduction to the addition
25 modification required under Section 203(b)(2)(E-12) of
26 this Act. As used in this subparagraph, the term

1 "intangible expenses and costs" includes (1) expenses,
2 losses, and costs for, or related to, the direct or
3 indirect acquisition, use, maintenance or management,
4 ownership, sale, exchange, or any other disposition of
5 intangible property; (2) losses incurred, directly or
6 indirectly, from factoring transactions or discounting
7 transactions; (3) royalty, patent, technical, and
8 copyright fees; (4) licensing fees; and (5) other
9 similar expenses and costs. For purposes of this
10 subparagraph, "intangible property" includes patents,
11 patent applications, trade names, trademarks, service
12 marks, copyrights, mask works, trade secrets, and
13 similar types of intangible assets.

14 This paragraph shall not apply to the following:

15 (i) any item of intangible expenses or costs
16 paid, accrued, or incurred, directly or
17 indirectly, from a transaction with a person who is
18 subject in a foreign country or state, other than a
19 state which requires mandatory unitary reporting,
20 to a tax on or measured by net income with respect
21 to such item; or

22 (ii) any item of intangible expense or cost
23 paid, accrued, or incurred, directly or
24 indirectly, if the taxpayer can establish, based
25 on a preponderance of the evidence, both of the
26 following:

1 (a) the person during the same taxable
2 year paid, accrued, or incurred, the
3 intangible expense or cost to a person that is
4 not a related member, and

5 (b) the transaction giving rise to the
6 intangible expense or cost between the
7 taxpayer and the person did not have as a
8 principal purpose the avoidance of Illinois
9 income tax, and is paid pursuant to a contract
10 or agreement that reflects arm's-length terms;
11 or

12 (iii) any item of intangible expense or cost
13 paid, accrued, or incurred, directly or
14 indirectly, from a transaction with a person if the
15 taxpayer establishes by clear and convincing
16 evidence, that the adjustments are unreasonable;
17 or if the taxpayer and the Director agree in
18 writing to the application or use of an alternative
19 method of apportionment under Section 304(f);

20 Nothing in this subsection shall preclude the
21 Director from making any other adjustment
22 otherwise allowed under Section 404 of this Act for
23 any tax year beginning after the effective date of
24 this amendment provided such adjustment is made
25 pursuant to regulation adopted by the Department
26 and such regulations provide methods and standards

1 by which the Department will utilize its authority
2 under Section 404 of this Act;

3 (E-14) For taxable years ending on or after
4 December 31, 2008, an amount equal to the amount of
5 insurance premium expenses and costs otherwise allowed
6 as a deduction in computing base income, and that were
7 paid, accrued, or incurred, directly or indirectly, to
8 a person who would be a member of the same unitary
9 business group but for the fact that the person is
10 prohibited under Section 1501(a)(27) from being
11 included in the unitary business group because he or
12 she is ordinarily required to apportion business
13 income under different subsections of Section 304. The
14 addition modification required by this subparagraph
15 shall be reduced to the extent that dividends were
16 included in base income of the unitary group for the
17 same taxable year and received by the taxpayer or by a
18 member of the taxpayer's unitary business group
19 (including amounts included in gross income under
20 Sections 951 through 964 of the Internal Revenue Code
21 and amounts included in gross income under Section 78
22 of the Internal Revenue Code) with respect to the stock
23 of the same person to whom the premiums and costs were
24 directly or indirectly paid, incurred, or accrued. The
25 preceding sentence does not apply to the extent that
26 the same dividends caused a reduction to the addition

1 modification required under Section 203(b) (2) (E-12) or
2 Section 203(b) (2) (E-13) of this Act;

3 (E-15) For taxable years beginning after December
4 31, 2008, any deduction for dividends paid by a captive
5 real estate investment trust that is allowed to a real
6 estate investment trust under Section 857(b) (2) (B) of
7 the Internal Revenue Code for dividends paid;

8 (E-16) An amount equal to the credit allowable to
9 the taxpayer under Section 218(a) of this Act,
10 determined without regard to Section 218(c) of this
11 Act;

12 (E-17) For taxable years ending on or after
13 December 31, 2017, an amount equal to the deduction
14 allowed under Section 199 of the Internal Revenue Code
15 for the taxable year;

16 (E-18) for taxable years beginning after December
17 31, 2018, an amount equal to the deduction allowed
18 under Section 250(a) (1) (A) of the Internal Revenue
19 Code for the taxable year.

20 and by deducting from the total so obtained the sum of the
21 following amounts:

22 (F) An amount equal to the amount of any tax
23 imposed by this Act which was refunded to the taxpayer
24 and included in such total for the taxable year;

25 (G) An amount equal to any amount included in such
26 total under Section 78 of the Internal Revenue Code;

1 (H) In the case of a regulated investment company,
2 an amount equal to the amount of exempt interest
3 dividends as defined in subsection (b)(5) of Section
4 852 of the Internal Revenue Code, paid to shareholders
5 for the taxable year;

6 (I) With the exception of any amounts subtracted
7 under subparagraph (J), an amount equal to the sum of
8 all amounts disallowed as deductions by (i) Sections
9 171(a)(2)~~7~~ and 265(a)(2) and amounts disallowed as
10 interest expense by Section 291(a)(3) of the Internal
11 Revenue Code, and all amounts of expenses allocable to
12 interest and disallowed as deductions by Section
13 265(a)(1) of the Internal Revenue Code; and (ii) for
14 taxable years ending on or after August 13, 1999,
15 Sections 171(a)(2), 265, 280C, 291(a)(3), and
16 832(b)(5)(B)(i) of the Internal Revenue Code, plus,
17 for tax years ending on or after December 31, 2011,
18 amounts disallowed as deductions by Section 45G(e)(3)
19 of the Internal Revenue Code and, for taxable years
20 ending on or after December 31, 2008, any amount
21 included in gross income under Section 87 of the
22 Internal Revenue Code and the policyholders' share of
23 tax-exempt interest of a life insurance company under
24 Section 807(a)(2)(B) of the Internal Revenue Code (in
25 the case of a life insurance company with gross income
26 from a decrease in reserves for the tax year) or

1 Section 807(b)(1)(B) of the Internal Revenue Code (in
2 the case of a life insurance company allowed a
3 deduction for an increase in reserves for the tax
4 year); the provisions of this subparagraph are exempt
5 from the provisions of Section 250;

6 (J) An amount equal to all amounts included in such
7 total which are exempt from taxation by this State
8 either by reason of its statutes or Constitution or by
9 reason of the Constitution, treaties or statutes of the
10 United States; provided that, in the case of any
11 statute of this State that exempts income derived from
12 bonds or other obligations from the tax imposed under
13 this Act, the amount exempted shall be the interest net
14 of bond premium amortization;

15 (K) An amount equal to those dividends included in
16 such total which were paid by a corporation which
17 conducts business operations in a River Edge
18 Redevelopment Zone or zones created under the River
19 Edge Redevelopment Zone Act and conducts substantially
20 all of its operations in a River Edge Redevelopment
21 Zone or zones. This subparagraph (K) is exempt from the
22 provisions of Section 250;

23 (L) An amount equal to those dividends included in
24 such total that were paid by a corporation that
25 conducts business operations in a federally designated
26 Foreign Trade Zone or Sub-Zone and that is designated a

1 High Impact Business located in Illinois; provided
2 that dividends eligible for the deduction provided in
3 subparagraph (K) of paragraph 2 of this subsection
4 shall not be eligible for the deduction provided under
5 this subparagraph (L);

6 (M) For any taxpayer that is a financial
7 organization within the meaning of Section 304(c) of
8 this Act, an amount included in such total as interest
9 income from a loan or loans made by such taxpayer to a
10 borrower, to the extent that such a loan is secured by
11 property which is eligible for the River Edge
12 Redevelopment Zone Investment Credit. To determine the
13 portion of a loan or loans that is secured by property
14 eligible for a Section 201(f) investment credit to the
15 borrower, the entire principal amount of the loan or
16 loans between the taxpayer and the borrower should be
17 divided into the basis of the Section 201(f) investment
18 credit property which secures the loan or loans, using
19 for this purpose the original basis of such property on
20 the date that it was placed in service in the River
21 Edge Redevelopment Zone. The subtraction modification
22 available to the taxpayer in any year under this
23 subsection shall be that portion of the total interest
24 paid by the borrower with respect to such loan
25 attributable to the eligible property as calculated
26 under the previous sentence. This subparagraph (M) is

1 exempt from the provisions of Section 250;

2 (M-1) For any taxpayer that is a financial
3 organization within the meaning of Section 304(c) of
4 this Act, an amount included in such total as interest
5 income from a loan or loans made by such taxpayer to a
6 borrower, to the extent that such a loan is secured by
7 property which is eligible for the High Impact Business
8 Investment Credit. To determine the portion of a loan
9 or loans that is secured by property eligible for a
10 Section 201(h) investment credit to the borrower, the
11 entire principal amount of the loan or loans between
12 the taxpayer and the borrower should be divided into
13 the basis of the Section 201(h) investment credit
14 property which secures the loan or loans, using for
15 this purpose the original basis of such property on the
16 date that it was placed in service in a federally
17 designated Foreign Trade Zone or Sub-Zone located in
18 Illinois. No taxpayer that is eligible for the
19 deduction provided in subparagraph (M) of paragraph
20 (2) of this subsection shall be eligible for the
21 deduction provided under this subparagraph (M-1). The
22 subtraction modification available to taxpayers in any
23 year under this subsection shall be that portion of the
24 total interest paid by the borrower with respect to
25 such loan attributable to the eligible property as
26 calculated under the previous sentence;

1 (N) Two times any contribution made during the
2 taxable year to a designated zone organization to the
3 extent that the contribution (i) qualifies as a
4 charitable contribution under subsection (c) of
5 Section 170 of the Internal Revenue Code and (ii) must,
6 by its terms, be used for a project approved by the
7 Department of Commerce and Economic Opportunity under
8 Section 11 of the Illinois Enterprise Zone Act or under
9 Section 10-10 of the River Edge Redevelopment Zone Act.
10 This subparagraph (N) is exempt from the provisions of
11 Section 250;

12 (O) An amount equal to: (i) 85% for taxable years
13 ending on or before December 31, 1992, or, a percentage
14 equal to the percentage allowable under Section
15 243(a)(1) of the Internal Revenue Code of 1986 for
16 taxable years ending after December 31, 1992, of the
17 amount by which dividends included in taxable income
18 and received from a corporation that is not created or
19 organized under the laws of the United States or any
20 state or political subdivision thereof, including, for
21 taxable years ending on or after December 31, 1988,
22 dividends received or deemed received or paid or deemed
23 paid under Sections 951 through 965 of the Internal
24 Revenue Code, exceed the amount of the modification
25 provided under subparagraph (G) of paragraph (2) of
26 this subsection (b) which is related to such dividends,

1 and including, for taxable years ending on or after
2 December 31, 2008, dividends received from a captive
3 real estate investment trust; plus (ii) 100% of the
4 amount by which dividends, included in taxable income
5 and received, including, for taxable years ending on or
6 after December 31, 1988, dividends received or deemed
7 received or paid or deemed paid under Sections 951
8 through 964 of the Internal Revenue Code and including,
9 for taxable years ending on or after December 31, 2008,
10 dividends received from a captive real estate
11 investment trust, from any such corporation specified
12 in clause (i) that would but for the provisions of
13 Section 1504(b)(3) of the Internal Revenue Code be
14 treated as a member of the affiliated group which
15 includes the dividend recipient, exceed the amount of
16 the modification provided under subparagraph (G) of
17 paragraph (2) of this subsection (b) which is related
18 to such dividends. This subparagraph (O) is exempt from
19 the provisions of Section 250 of this Act;

20 (P) An amount equal to any contribution made to a
21 job training project established pursuant to the Tax
22 Increment Allocation Redevelopment Act;

23 (Q) An amount equal to the amount of the deduction
24 used to compute the federal income tax credit for
25 restoration of substantial amounts held under claim of
26 right for the taxable year pursuant to Section 1341 of

1 the Internal Revenue Code;

2 (R) On and after July 20, 1999, in the case of an
3 attorney-in-fact with respect to whom an interinsurer
4 or a reciprocal insurer has made the election under
5 Section 835 of the Internal Revenue Code, 26 U.S.C.
6 835, an amount equal to the excess, if any, of the
7 amounts paid or incurred by that interinsurer or
8 reciprocal insurer in the taxable year to the
9 attorney-in-fact over the deduction allowed to that
10 interinsurer or reciprocal insurer with respect to the
11 attorney-in-fact under Section 835(b) of the Internal
12 Revenue Code for the taxable year; the provisions of
13 this subparagraph are exempt from the provisions of
14 Section 250;

15 (S) For taxable years ending on or after December
16 31, 1997, in the case of a Subchapter S corporation, an
17 amount equal to all amounts of income allocable to a
18 shareholder subject to the Personal Property Tax
19 Replacement Income Tax imposed by subsections (c) and
20 (d) of Section 201 of this Act, including amounts
21 allocable to organizations exempt from federal income
22 tax by reason of Section 501(a) of the Internal Revenue
23 Code. This subparagraph (S) is exempt from the
24 provisions of Section 250;

25 (T) For taxable years 2001 and thereafter, for the
26 taxable year in which the bonus depreciation deduction

1 is taken on the taxpayer's federal income tax return
2 under subsection (k) of Section 168 of the Internal
3 Revenue Code and for each applicable taxable year
4 thereafter, an amount equal to "x", where:

5 (1) "y" equals the amount of the depreciation
6 deduction taken for the taxable year on the
7 taxpayer's federal income tax return on property
8 for which the bonus depreciation deduction was
9 taken in any year under subsection (k) of Section
10 168 of the Internal Revenue Code, but not including
11 the bonus depreciation deduction;

12 (2) for taxable years ending on or before
13 December 31, 2005, "x" equals "y" multiplied by 30
14 and then divided by 70 (or "y" multiplied by
15 0.429); and

16 (3) for taxable years ending after December
17 31, 2005:

18 (i) for property on which a bonus
19 depreciation deduction of 30% of the adjusted
20 basis was taken, "x" equals "y" multiplied by
21 30 and then divided by 70 (or "y" multiplied by
22 0.429); and

23 (ii) for property on which a bonus
24 depreciation deduction of 50% of the adjusted
25 basis was taken, "x" equals "y" multiplied by
26 1.0.

1 The aggregate amount deducted under this
2 subparagraph in all taxable years for any one piece of
3 property may not exceed the amount of the bonus
4 depreciation deduction taken on that property on the
5 taxpayer's federal income tax return under subsection
6 (k) of Section 168 of the Internal Revenue Code. This
7 subparagraph (T) is exempt from the provisions of
8 Section 250;

9 (U) If the taxpayer sells, transfers, abandons, or
10 otherwise disposes of property for which the taxpayer
11 was required in any taxable year to make an addition
12 modification under subparagraph (E-10), then an amount
13 equal to that addition modification.

14 If the taxpayer continues to own property through
15 the last day of the last tax year for which the
16 taxpayer may claim a depreciation deduction for
17 federal income tax purposes and for which the taxpayer
18 was required in any taxable year to make an addition
19 modification under subparagraph (E-10), then an amount
20 equal to that addition modification.

21 The taxpayer is allowed to take the deduction under
22 this subparagraph only once with respect to any one
23 piece of property.

24 This subparagraph (U) is exempt from the
25 provisions of Section 250;

26 (V) The amount of: (i) any interest income (net of

1 the deductions allocable thereto) taken into account
2 for the taxable year with respect to a transaction with
3 a taxpayer that is required to make an addition
4 modification with respect to such transaction under
5 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
6 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
7 the amount of such addition modification, (ii) any
8 income from intangible property (net of the deductions
9 allocable thereto) taken into account for the taxable
10 year with respect to a transaction with a taxpayer that
11 is required to make an addition modification with
12 respect to such transaction under Section
13 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
14 203(d)(2)(D-8), but not to exceed the amount of such
15 addition modification, and (iii) any insurance premium
16 income (net of deductions allocable thereto) taken
17 into account for the taxable year with respect to a
18 transaction with a taxpayer that is required to make an
19 addition modification with respect to such transaction
20 under Section 203(a)(2)(D-19), Section
21 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
22 203(d)(2)(D-9), but not to exceed the amount of that
23 addition modification. This subparagraph (V) is exempt
24 from the provisions of Section 250;

25 (W) An amount equal to the interest income taken
26 into account for the taxable year (net of the

1 deductions allocable thereto) with respect to
2 transactions with (i) a foreign person who would be a
3 member of the taxpayer's unitary business group but for
4 the fact that the foreign person's business activity
5 outside the United States is 80% or more of that
6 person's total business activity and (ii) for taxable
7 years ending on or after December 31, 2008, to a person
8 who would be a member of the same unitary business
9 group but for the fact that the person is prohibited
10 under Section 1501(a)(27) from being included in the
11 unitary business group because he or she is ordinarily
12 required to apportion business income under different
13 subsections of Section 304, but not to exceed the
14 addition modification required to be made for the same
15 taxable year under Section 203(b)(2)(E-12) for
16 interest paid, accrued, or incurred, directly or
17 indirectly, to the same person. This subparagraph (W)
18 is exempt from the provisions of Section 250;

19 (X) An amount equal to the income from intangible
20 property taken into account for the taxable year (net
21 of the deductions allocable thereto) with respect to
22 transactions with (i) a foreign person who would be a
23 member of the taxpayer's unitary business group but for
24 the fact that the foreign person's business activity
25 outside the United States is 80% or more of that
26 person's total business activity and (ii) for taxable

1 years ending on or after December 31, 2008, to a person
2 who would be a member of the same unitary business
3 group but for the fact that the person is prohibited
4 under Section 1501(a)(27) from being included in the
5 unitary business group because he or she is ordinarily
6 required to apportion business income under different
7 subsections of Section 304, but not to exceed the
8 addition modification required to be made for the same
9 taxable year under Section 203(b)(2)(E-13) for
10 intangible expenses and costs paid, accrued, or
11 incurred, directly or indirectly, to the same foreign
12 person. This subparagraph (X) is exempt from the
13 provisions of Section 250;

14 (Y) For taxable years ending on or after December
15 31, 2011, in the case of a taxpayer who was required to
16 add back any insurance premiums under Section
17 203(b)(2)(E-14), such taxpayer may elect to subtract
18 that part of a reimbursement received from the
19 insurance company equal to the amount of the expense or
20 loss (including expenses incurred by the insurance
21 company) that would have been taken into account as a
22 deduction for federal income tax purposes if the
23 expense or loss had been uninsured. If a taxpayer makes
24 the election provided for by this subparagraph (Y), the
25 insurer to which the premiums were paid must add back
26 to income the amount subtracted by the taxpayer

1 pursuant to this subparagraph (Y). This subparagraph
2 (Y) is exempt from the provisions of Section 250; and

3 (Z) The difference between the nondeductible
4 controlled foreign corporation dividends under Section
5 965(e) (3) of the Internal Revenue Code over the taxable
6 income of the taxpayer, computed without regard to
7 Section 965(e) (2) (A) of the Internal Revenue Code, and
8 without regard to any net operating loss deduction.
9 This subparagraph (Z) is exempt from the provisions of
10 Section 250.

11 (3) Special rule. For purposes of paragraph (2) (A),
12 "gross income" in the case of a life insurance company, for
13 tax years ending on and after December 31, 1994, and prior
14 to December 31, 2011, shall mean the gross investment
15 income for the taxable year and, for tax years ending on or
16 after December 31, 2011, shall mean all amounts included in
17 life insurance gross income under Section 803(a) (3) of the
18 Internal Revenue Code.

19 (c) Trusts and estates.

20 (1) In general. In the case of a trust or estate, base
21 income means an amount equal to the taxpayer's taxable
22 income for the taxable year as modified by paragraph (2).

23 (2) Modifications. Subject to the provisions of
24 paragraph (3), the taxable income referred to in paragraph
25 (1) shall be modified by adding thereto the sum of the

1 following amounts:

2 (A) An amount equal to all amounts paid or accrued
3 to the taxpayer as interest or dividends during the
4 taxable year to the extent excluded from gross income
5 in the computation of taxable income;

6 (B) In the case of (i) an estate, \$600; (ii) a
7 trust which, under its governing instrument, is
8 required to distribute all of its income currently,
9 \$300; and (iii) any other trust, \$100, but in each such
10 case, only to the extent such amount was deducted in
11 the computation of taxable income;

12 (C) An amount equal to the amount of tax imposed by
13 this Act to the extent deducted from gross income in
14 the computation of taxable income for the taxable year;

15 (D) The amount of any net operating loss deduction
16 taken in arriving at taxable income, other than a net
17 operating loss carried forward from a taxable year
18 ending prior to December 31, 1986;

19 (E) For taxable years in which a net operating loss
20 carryback or carryforward from a taxable year ending
21 prior to December 31, 1986 is an element of taxable
22 income under paragraph (1) of subsection (e) or
23 subparagraph (E) of paragraph (2) of subsection (e),
24 the amount by which addition modifications other than
25 those provided by this subparagraph (E) exceeded
26 subtraction modifications in such taxable year, with

1 the following limitations applied in the order that
2 they are listed:

3 (i) the addition modification relating to the
4 net operating loss carried back or forward to the
5 taxable year from any taxable year ending prior to
6 December 31, 1986 shall be reduced by the amount of
7 addition modification under this subparagraph (E)
8 which related to that net operating loss and which
9 was taken into account in calculating the base
10 income of an earlier taxable year, and

11 (ii) the addition modification relating to the
12 net operating loss carried back or forward to the
13 taxable year from any taxable year ending prior to
14 December 31, 1986 shall not exceed the amount of
15 such carryback or carryforward;

16 For taxable years in which there is a net operating
17 loss carryback or carryforward from more than one other
18 taxable year ending prior to December 31, 1986, the
19 addition modification provided in this subparagraph
20 (E) shall be the sum of the amounts computed
21 independently under the preceding provisions of this
22 subparagraph (E) for each such taxable year;

23 (F) For taxable years ending on or after January 1,
24 1989, an amount equal to the tax deducted pursuant to
25 Section 164 of the Internal Revenue Code if the trust
26 or estate is claiming the same tax for purposes of the

1 Illinois foreign tax credit under Section 601 of this
2 Act;

3 (G) An amount equal to the amount of the capital
4 gain deduction allowable under the Internal Revenue
5 Code, to the extent deducted from gross income in the
6 computation of taxable income;

7 (G-5) For taxable years ending after December 31,
8 1997, an amount equal to any eligible remediation costs
9 that the trust or estate deducted in computing adjusted
10 gross income and for which the trust or estate claims a
11 credit under subsection (l) of Section 201;

12 (G-10) For taxable years 2001 and thereafter, an
13 amount equal to the bonus depreciation deduction taken
14 on the taxpayer's federal income tax return for the
15 taxable year under subsection (k) of Section 168 of the
16 Internal Revenue Code; and

17 (G-11) If the taxpayer sells, transfers, abandons,
18 or otherwise disposes of property for which the
19 taxpayer was required in any taxable year to make an
20 addition modification under subparagraph (G-10), then
21 an amount equal to the aggregate amount of the
22 deductions taken in all taxable years under
23 subparagraph (R) with respect to that property.

24 If the taxpayer continues to own property through
25 the last day of the last tax year for which the
26 taxpayer may claim a depreciation deduction for

1 federal income tax purposes and for which the taxpayer
2 was allowed in any taxable year to make a subtraction
3 modification under subparagraph (R), then an amount
4 equal to that subtraction modification.

5 The taxpayer is required to make the addition
6 modification under this subparagraph only once with
7 respect to any one piece of property;

8 (G-12) An amount equal to the amount otherwise
9 allowed as a deduction in computing base income for
10 interest paid, accrued, or incurred, directly or
11 indirectly, (i) for taxable years ending on or after
12 December 31, 2004, to a foreign person who would be a
13 member of the same unitary business group but for the
14 fact that the foreign person's business activity
15 outside the United States is 80% or more of the foreign
16 person's total business activity and (ii) for taxable
17 years ending on or after December 31, 2008, to a person
18 who would be a member of the same unitary business
19 group but for the fact that the person is prohibited
20 under Section 1501(a)(27) from being included in the
21 unitary business group because he or she is ordinarily
22 required to apportion business income under different
23 subsections of Section 304. The addition modification
24 required by this subparagraph shall be reduced to the
25 extent that dividends were included in base income of
26 the unitary group for the same taxable year and

1 received by the taxpayer or by a member of the
2 taxpayer's unitary business group (including amounts
3 included in gross income pursuant to Sections 951
4 through 964 of the Internal Revenue Code and amounts
5 included in gross income under Section 78 of the
6 Internal Revenue Code) with respect to the stock of the
7 same person to whom the interest was paid, accrued, or
8 incurred.

9 This paragraph shall not apply to the following:

10 (i) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a person who
12 is subject in a foreign country or state, other
13 than a state which requires mandatory unitary
14 reporting, to a tax on or measured by net income
15 with respect to such interest; or

16 (ii) an item of interest paid, accrued, or
17 incurred, directly or indirectly, to a person if
18 the taxpayer can establish, based on a
19 preponderance of the evidence, both of the
20 following:

21 (a) the person, during the same taxable
22 year, paid, accrued, or incurred, the interest
23 to a person that is not a related member, and

24 (b) the transaction giving rise to the
25 interest expense between the taxpayer and the
26 person did not have as a principal purpose the

1 avoidance of Illinois income tax, and is paid
2 pursuant to a contract or agreement that
3 reflects an arm's-length interest rate and
4 terms; or

5 (iii) the taxpayer can establish, based on
6 clear and convincing evidence, that the interest
7 paid, accrued, or incurred relates to a contract or
8 agreement entered into at arm's-length rates and
9 terms and the principal purpose for the payment is
10 not federal or Illinois tax avoidance; or

11 (iv) an item of interest paid, accrued, or
12 incurred, directly or indirectly, to a person if
13 the taxpayer establishes by clear and convincing
14 evidence that the adjustments are unreasonable; or
15 if the taxpayer and the Director agree in writing
16 to the application or use of an alternative method
17 of apportionment under Section 304(f).

18 Nothing in this subsection shall preclude the
19 Director from making any other adjustment
20 otherwise allowed under Section 404 of this Act for
21 any tax year beginning after the effective date of
22 this amendment provided such adjustment is made
23 pursuant to regulation adopted by the Department
24 and such regulations provide methods and standards
25 by which the Department will utilize its authority
26 under Section 404 of this Act;

1 (G-13) An amount equal to the amount of intangible
2 expenses and costs otherwise allowed as a deduction in
3 computing base income, and that were paid, accrued, or
4 incurred, directly or indirectly, (i) for taxable
5 years ending on or after December 31, 2004, to a
6 foreign person who would be a member of the same
7 unitary business group but for the fact that the
8 foreign person's business activity outside the United
9 States is 80% or more of that person's total business
10 activity and (ii) for taxable years ending on or after
11 December 31, 2008, to a person who would be a member of
12 the same unitary business group but for the fact that
13 the person is prohibited under Section 1501(a)(27)
14 from being included in the unitary business group
15 because he or she is ordinarily required to apportion
16 business income under different subsections of Section
17 304. The addition modification required by this
18 subparagraph shall be reduced to the extent that
19 dividends were included in base income of the unitary
20 group for the same taxable year and received by the
21 taxpayer or by a member of the taxpayer's unitary
22 business group (including amounts included in gross
23 income pursuant to Sections 951 through 964 of the
24 Internal Revenue Code and amounts included in gross
25 income under Section 78 of the Internal Revenue Code)
26 with respect to the stock of the same person to whom

1 the intangible expenses and costs were directly or
2 indirectly paid, incurred, or accrued. The preceding
3 sentence shall not apply to the extent that the same
4 dividends caused a reduction to the addition
5 modification required under Section 203(c)(2)(G-12) of
6 this Act. As used in this subparagraph, the term
7 "intangible expenses and costs" includes: (1)
8 expenses, losses, and costs for or related to the
9 direct or indirect acquisition, use, maintenance or
10 management, ownership, sale, exchange, or any other
11 disposition of intangible property; (2) losses
12 incurred, directly or indirectly, from factoring
13 transactions or discounting transactions; (3) royalty,
14 patent, technical, and copyright fees; (4) licensing
15 fees; and (5) other similar expenses and costs. For
16 purposes of this subparagraph, "intangible property"
17 includes patents, patent applications, trade names,
18 trademarks, service marks, copyrights, mask works,
19 trade secrets, and similar types of intangible assets.

20 This paragraph shall not apply to the following:

21 (i) any item of intangible expenses or costs
22 paid, accrued, or incurred, directly or
23 indirectly, from a transaction with a person who is
24 subject in a foreign country or state, other than a
25 state which requires mandatory unitary reporting,
26 to a tax on or measured by net income with respect

1 to such item; or

2 (ii) any item of intangible expense or cost
3 paid, accrued, or incurred, directly or
4 indirectly, if the taxpayer can establish, based
5 on a preponderance of the evidence, both of the
6 following:

7 (a) the person during the same taxable
8 year paid, accrued, or incurred, the
9 intangible expense or cost to a person that is
10 not a related member, and

11 (b) the transaction giving rise to the
12 intangible expense or cost between the
13 taxpayer and the person did not have as a
14 principal purpose the avoidance of Illinois
15 income tax, and is paid pursuant to a contract
16 or agreement that reflects arm's-length terms;
17 or

18 (iii) any item of intangible expense or cost
19 paid, accrued, or incurred, directly or
20 indirectly, from a transaction with a person if the
21 taxpayer establishes by clear and convincing
22 evidence, that the adjustments are unreasonable;
23 or if the taxpayer and the Director agree in
24 writing to the application or use of an alternative
25 method of apportionment under Section 304(f);

26 Nothing in this subsection shall preclude the

1 Director from making any other adjustment
2 otherwise allowed under Section 404 of this Act for
3 any tax year beginning after the effective date of
4 this amendment provided such adjustment is made
5 pursuant to regulation adopted by the Department
6 and such regulations provide methods and standards
7 by which the Department will utilize its authority
8 under Section 404 of this Act;

9 (G-14) For taxable years ending on or after
10 December 31, 2008, an amount equal to the amount of
11 insurance premium expenses and costs otherwise allowed
12 as a deduction in computing base income, and that were
13 paid, accrued, or incurred, directly or indirectly, to
14 a person who would be a member of the same unitary
15 business group but for the fact that the person is
16 prohibited under Section 1501(a)(27) from being
17 included in the unitary business group because he or
18 she is ordinarily required to apportion business
19 income under different subsections of Section 304. The
20 addition modification required by this subparagraph
21 shall be reduced to the extent that dividends were
22 included in base income of the unitary group for the
23 same taxable year and received by the taxpayer or by a
24 member of the taxpayer's unitary business group
25 (including amounts included in gross income under
26 Sections 951 through 964 of the Internal Revenue Code

1 and amounts included in gross income under Section 78
2 of the Internal Revenue Code) with respect to the stock
3 of the same person to whom the premiums and costs were
4 directly or indirectly paid, incurred, or accrued. The
5 preceding sentence does not apply to the extent that
6 the same dividends caused a reduction to the addition
7 modification required under Section 203(c)(2)(G-12) or
8 Section 203(c)(2)(G-13) of this Act;

9 (G-15) An amount equal to the credit allowable to
10 the taxpayer under Section 218(a) of this Act,
11 determined without regard to Section 218(c) of this
12 Act;

13 (G-16) For taxable years ending on or after
14 December 31, 2017, an amount equal to the deduction
15 allowed under Section 199 of the Internal Revenue Code
16 for the taxable year;

17 and by deducting from the total so obtained the sum of the
18 following amounts:

19 (H) An amount equal to all amounts included in such
20 total pursuant to the provisions of Sections 402(a),
21 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the
22 Internal Revenue Code or included in such total as
23 distributions under the provisions of any retirement
24 or disability plan for employees of any governmental
25 agency or unit, or retirement payments to retired
26 partners, which payments are excluded in computing net

1 earnings from self employment by Section 1402 of the
2 Internal Revenue Code and regulations adopted pursuant
3 thereto;

4 (I) The valuation limitation amount;

5 (J) An amount equal to the amount of any tax
6 imposed by this Act which was refunded to the taxpayer
7 and included in such total for the taxable year;

8 (K) An amount equal to all amounts included in
9 taxable income as modified by subparagraphs (A), (B),
10 (C), (D), (E), (F) and (G) which are exempt from
11 taxation by this State either by reason of its statutes
12 or Constitution or by reason of the Constitution,
13 treaties or statutes of the United States; provided
14 that, in the case of any statute of this State that
15 exempts income derived from bonds or other obligations
16 from the tax imposed under this Act, the amount
17 exempted shall be the interest net of bond premium
18 amortization;

19 (L) With the exception of any amounts subtracted
20 under subparagraph (K), an amount equal to the sum of
21 all amounts disallowed as deductions by (i) Sections
22 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
23 and all amounts of expenses allocable to interest and
24 disallowed as deductions by Section 265(a)(1) of the
25 Internal Revenue Code; and (ii) for taxable years
26 ending on or after August 13, 1999, Sections 171(a)(2),

1 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue
2 Code, plus, (iii) for taxable years ending on or after
3 December 31, 2011, Section 45G(e)(3) of the Internal
4 Revenue Code and, for taxable years ending on or after
5 December 31, 2008, any amount included in gross income
6 under Section 87 of the Internal Revenue Code; the
7 provisions of this subparagraph are exempt from the
8 provisions of Section 250;

9 (M) An amount equal to those dividends included in
10 such total which were paid by a corporation which
11 conducts business operations in a River Edge
12 Redevelopment Zone or zones created under the River
13 Edge Redevelopment Zone Act and conducts substantially
14 all of its operations in a River Edge Redevelopment
15 Zone or zones. This subparagraph (M) is exempt from the
16 provisions of Section 250;

17 (N) An amount equal to any contribution made to a
18 job training project established pursuant to the Tax
19 Increment Allocation Redevelopment Act;

20 (O) An amount equal to those dividends included in
21 such total that were paid by a corporation that
22 conducts business operations in a federally designated
23 Foreign Trade Zone or Sub-Zone and that is designated a
24 High Impact Business located in Illinois; provided
25 that dividends eligible for the deduction provided in
26 subparagraph (M) of paragraph (2) of this subsection

1 shall not be eligible for the deduction provided under
2 this subparagraph (O);

3 (P) An amount equal to the amount of the deduction
4 used to compute the federal income tax credit for
5 restoration of substantial amounts held under claim of
6 right for the taxable year pursuant to Section 1341 of
7 the Internal Revenue Code;

8 (Q) For taxable year 1999 and thereafter, an amount
9 equal to the amount of any (i) distributions, to the
10 extent includible in gross income for federal income
11 tax purposes, made to the taxpayer because of his or
12 her status as a victim of persecution for racial or
13 religious reasons by Nazi Germany or any other Axis
14 regime or as an heir of the victim and (ii) items of
15 income, to the extent includible in gross income for
16 federal income tax purposes, attributable to, derived
17 from or in any way related to assets stolen from,
18 hidden from, or otherwise lost to a victim of
19 persecution for racial or religious reasons by Nazi
20 Germany or any other Axis regime immediately prior to,
21 during, and immediately after World War II, including,
22 but not limited to, interest on the proceeds receivable
23 as insurance under policies issued to a victim of
24 persecution for racial or religious reasons by Nazi
25 Germany or any other Axis regime by European insurance
26 companies immediately prior to and during World War II;

1 provided, however, this subtraction from federal
2 adjusted gross income does not apply to assets acquired
3 with such assets or with the proceeds from the sale of
4 such assets; provided, further, this paragraph shall
5 only apply to a taxpayer who was the first recipient of
6 such assets after their recovery and who is a victim of
7 persecution for racial or religious reasons by Nazi
8 Germany or any other Axis regime or as an heir of the
9 victim. The amount of and the eligibility for any
10 public assistance, benefit, or similar entitlement is
11 not affected by the inclusion of items (i) and (ii) of
12 this paragraph in gross income for federal income tax
13 purposes. This paragraph is exempt from the provisions
14 of Section 250;

15 (R) For taxable years 2001 and thereafter, for the
16 taxable year in which the bonus depreciation deduction
17 is taken on the taxpayer's federal income tax return
18 under subsection (k) of Section 168 of the Internal
19 Revenue Code and for each applicable taxable year
20 thereafter, an amount equal to "x", where:

21 (1) "y" equals the amount of the depreciation
22 deduction taken for the taxable year on the
23 taxpayer's federal income tax return on property
24 for which the bonus depreciation deduction was
25 taken in any year under subsection (k) of Section
26 168 of the Internal Revenue Code, but not including

1 the bonus depreciation deduction;

2 (2) for taxable years ending on or before
3 December 31, 2005, "x" equals "y" multiplied by 30
4 and then divided by 70 (or "y" multiplied by
5 0.429); and

6 (3) for taxable years ending after December
7 31, 2005:

8 (i) for property on which a bonus
9 depreciation deduction of 30% of the adjusted
10 basis was taken, "x" equals "y" multiplied by
11 30 and then divided by 70 (or "y" multiplied by
12 0.429); and

13 (ii) for property on which a bonus
14 depreciation deduction of 50% of the adjusted
15 basis was taken, "x" equals "y" multiplied by
16 1.0.

17 The aggregate amount deducted under this
18 subparagraph in all taxable years for any one piece of
19 property may not exceed the amount of the bonus
20 depreciation deduction taken on that property on the
21 taxpayer's federal income tax return under subsection
22 (k) of Section 168 of the Internal Revenue Code. This
23 subparagraph (R) is exempt from the provisions of
24 Section 250;

25 (S) If the taxpayer sells, transfers, abandons, or
26 otherwise disposes of property for which the taxpayer

1 was required in any taxable year to make an addition
2 modification under subparagraph (G-10), then an amount
3 equal to that addition modification.

4 If the taxpayer continues to own property through
5 the last day of the last tax year for which the
6 taxpayer may claim a depreciation deduction for
7 federal income tax purposes and for which the taxpayer
8 was required in any taxable year to make an addition
9 modification under subparagraph (G-10), then an amount
10 equal to that addition modification.

11 The taxpayer is allowed to take the deduction under
12 this subparagraph only once with respect to any one
13 piece of property.

14 This subparagraph (S) is exempt from the
15 provisions of Section 250;

16 (T) The amount of (i) any interest income (net of
17 the deductions allocable thereto) taken into account
18 for the taxable year with respect to a transaction with
19 a taxpayer that is required to make an addition
20 modification with respect to such transaction under
21 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
22 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
23 the amount of such addition modification and (ii) any
24 income from intangible property (net of the deductions
25 allocable thereto) taken into account for the taxable
26 year with respect to a transaction with a taxpayer that

1 is required to make an addition modification with
2 respect to such transaction under Section
3 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
4 203(d)(2)(D-8), but not to exceed the amount of such
5 addition modification. This subparagraph (T) is exempt
6 from the provisions of Section 250;

7 (U) An amount equal to the interest income taken
8 into account for the taxable year (net of the
9 deductions allocable thereto) with respect to
10 transactions with (i) a foreign person who would be a
11 member of the taxpayer's unitary business group but for
12 the fact the foreign person's business activity
13 outside the United States is 80% or more of that
14 person's total business activity and (ii) for taxable
15 years ending on or after December 31, 2008, to a person
16 who would be a member of the same unitary business
17 group but for the fact that the person is prohibited
18 under Section 1501(a)(27) from being included in the
19 unitary business group because he or she is ordinarily
20 required to apportion business income under different
21 subsections of Section 304, but not to exceed the
22 addition modification required to be made for the same
23 taxable year under Section 203(c)(2)(G-12) for
24 interest paid, accrued, or incurred, directly or
25 indirectly, to the same person. This subparagraph (U)
26 is exempt from the provisions of Section 250;

1 (V) An amount equal to the income from intangible
2 property taken into account for the taxable year (net
3 of the deductions allocable thereto) with respect to
4 transactions with (i) a foreign person who would be a
5 member of the taxpayer's unitary business group but for
6 the fact that the foreign person's business activity
7 outside the United States is 80% or more of that
8 person's total business activity and (ii) for taxable
9 years ending on or after December 31, 2008, to a person
10 who would be a member of the same unitary business
11 group but for the fact that the person is prohibited
12 under Section 1501(a)(27) from being included in the
13 unitary business group because he or she is ordinarily
14 required to apportion business income under different
15 subsections of Section 304, but not to exceed the
16 addition modification required to be made for the same
17 taxable year under Section 203(c)(2)(G-13) for
18 intangible expenses and costs paid, accrued, or
19 incurred, directly or indirectly, to the same foreign
20 person. This subparagraph (V) is exempt from the
21 provisions of Section 250;

22 (W) in the case of an estate, an amount equal to
23 all amounts included in such total pursuant to the
24 provisions of Section 111 of the Internal Revenue Code
25 as a recovery of items previously deducted by the
26 decedent from adjusted gross income in the computation

1 of taxable income. This subparagraph (W) is exempt from
2 Section 250;

3 (X) an amount equal to the refund included in such
4 total of any tax deducted for federal income tax
5 purposes, to the extent that deduction was added back
6 under subparagraph (F). This subparagraph (X) is
7 exempt from the provisions of Section 250;

8 (Y) For taxable years ending on or after December
9 31, 2011, in the case of a taxpayer who was required to
10 add back any insurance premiums under Section
11 203(c)(2)(G-14), such taxpayer may elect to subtract
12 that part of a reimbursement received from the
13 insurance company equal to the amount of the expense or
14 loss (including expenses incurred by the insurance
15 company) that would have been taken into account as a
16 deduction for federal income tax purposes if the
17 expense or loss had been uninsured. If a taxpayer makes
18 the election provided for by this subparagraph (Y), the
19 insurer to which the premiums were paid must add back
20 to income the amount subtracted by the taxpayer
21 pursuant to this subparagraph (Y). This subparagraph
22 (Y) is exempt from the provisions of Section 250; and

23 (Z) For taxable years beginning after December 31,
24 2018 and before January 1, 2026, the amount of excess
25 business loss of the taxpayer disallowed as a deduction
26 by Section 461(1)(1)(B) of the Internal Revenue Code.

1 (3) Limitation. The amount of any modification
2 otherwise required under this subsection shall, under
3 regulations prescribed by the Department, be adjusted by
4 any amounts included therein which were properly paid,
5 credited, or required to be distributed, or permanently set
6 aside for charitable purposes pursuant to Internal Revenue
7 Code Section 642(c) during the taxable year.

8 (d) Partnerships.

9 (1) In general. In the case of a partnership, base
10 income means an amount equal to the taxpayer's taxable
11 income for the taxable year as modified by paragraph (2).

12 (2) Modifications. The taxable income referred to in
13 paragraph (1) shall be modified by adding thereto the sum
14 of the following amounts:

15 (A) An amount equal to all amounts paid or accrued
16 to the taxpayer as interest or dividends during the
17 taxable year to the extent excluded from gross income
18 in the computation of taxable income;

19 (B) An amount equal to the amount of tax imposed by
20 this Act to the extent deducted from gross income for
21 the taxable year;

22 (C) The amount of deductions allowed to the
23 partnership pursuant to Section 707 (c) of the Internal
24 Revenue Code in calculating its taxable income;

25 (D) An amount equal to the amount of the capital

1 gain deduction allowable under the Internal Revenue
2 Code, to the extent deducted from gross income in the
3 computation of taxable income;

4 (D-5) For taxable years 2001 and thereafter, an
5 amount equal to the bonus depreciation deduction taken
6 on the taxpayer's federal income tax return for the
7 taxable year under subsection (k) of Section 168 of the
8 Internal Revenue Code;

9 (D-6) If the taxpayer sells, transfers, abandons,
10 or otherwise disposes of property for which the
11 taxpayer was required in any taxable year to make an
12 addition modification under subparagraph (D-5), then
13 an amount equal to the aggregate amount of the
14 deductions taken in all taxable years under
15 subparagraph (O) with respect to that property.

16 If the taxpayer continues to own property through
17 the last day of the last tax year for which the
18 taxpayer may claim a depreciation deduction for
19 federal income tax purposes and for which the taxpayer
20 was allowed in any taxable year to make a subtraction
21 modification under subparagraph (O), then an amount
22 equal to that subtraction modification.

23 The taxpayer is required to make the addition
24 modification under this subparagraph only once with
25 respect to any one piece of property;

26 (D-7) An amount equal to the amount otherwise

1 allowed as a deduction in computing base income for
2 interest paid, accrued, or incurred, directly or
3 indirectly, (i) for taxable years ending on or after
4 December 31, 2004, to a foreign person who would be a
5 member of the same unitary business group but for the
6 fact the foreign person's business activity outside
7 the United States is 80% or more of the foreign
8 person's total business activity and (ii) for taxable
9 years ending on or after December 31, 2008, to a person
10 who would be a member of the same unitary business
11 group but for the fact that the person is prohibited
12 under Section 1501(a)(27) from being included in the
13 unitary business group because he or she is ordinarily
14 required to apportion business income under different
15 subsections of Section 304. The addition modification
16 required by this subparagraph shall be reduced to the
17 extent that dividends were included in base income of
18 the unitary group for the same taxable year and
19 received by the taxpayer or by a member of the
20 taxpayer's unitary business group (including amounts
21 included in gross income pursuant to Sections 951
22 through 964 of the Internal Revenue Code and amounts
23 included in gross income under Section 78 of the
24 Internal Revenue Code) with respect to the stock of the
25 same person to whom the interest was paid, accrued, or
26 incurred.

1 This paragraph shall not apply to the following:

2 (i) an item of interest paid, accrued, or
3 incurred, directly or indirectly, to a person who
4 is subject in a foreign country or state, other
5 than a state which requires mandatory unitary
6 reporting, to a tax on or measured by net income
7 with respect to such interest; or

8 (ii) an item of interest paid, accrued, or
9 incurred, directly or indirectly, to a person if
10 the taxpayer can establish, based on a
11 preponderance of the evidence, both of the
12 following:

13 (a) the person, during the same taxable
14 year, paid, accrued, or incurred, the interest
15 to a person that is not a related member, and

16 (b) the transaction giving rise to the
17 interest expense between the taxpayer and the
18 person did not have as a principal purpose the
19 avoidance of Illinois income tax, and is paid
20 pursuant to a contract or agreement that
21 reflects an arm's-length interest rate and
22 terms; or

23 (iii) the taxpayer can establish, based on
24 clear and convincing evidence, that the interest
25 paid, accrued, or incurred relates to a contract or
26 agreement entered into at arm's-length rates and

1 terms and the principal purpose for the payment is
2 not federal or Illinois tax avoidance; or

3 (iv) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person if
5 the taxpayer establishes by clear and convincing
6 evidence that the adjustments are unreasonable; or
7 if the taxpayer and the Director agree in writing
8 to the application or use of an alternative method
9 of apportionment under Section 304(f).

10 Nothing in this subsection shall preclude the
11 Director from making any other adjustment
12 otherwise allowed under Section 404 of this Act for
13 any tax year beginning after the effective date of
14 this amendment provided such adjustment is made
15 pursuant to regulation adopted by the Department
16 and such regulations provide methods and standards
17 by which the Department will utilize its authority
18 under Section 404 of this Act; and

19 (D-8) An amount equal to the amount of intangible
20 expenses and costs otherwise allowed as a deduction in
21 computing base income, and that were paid, accrued, or
22 incurred, directly or indirectly, (i) for taxable
23 years ending on or after December 31, 2004, to a
24 foreign person who would be a member of the same
25 unitary business group but for the fact that the
26 foreign person's business activity outside the United

1 States is 80% or more of that person's total business
2 activity and (ii) for taxable years ending on or after
3 December 31, 2008, to a person who would be a member of
4 the same unitary business group but for the fact that
5 the person is prohibited under Section 1501(a)(27)
6 from being included in the unitary business group
7 because he or she is ordinarily required to apportion
8 business income under different subsections of Section
9 304. The addition modification required by this
10 subparagraph shall be reduced to the extent that
11 dividends were included in base income of the unitary
12 group for the same taxable year and received by the
13 taxpayer or by a member of the taxpayer's unitary
14 business group (including amounts included in gross
15 income pursuant to Sections 951 through 964 of the
16 Internal Revenue Code and amounts included in gross
17 income under Section 78 of the Internal Revenue Code)
18 with respect to the stock of the same person to whom
19 the intangible expenses and costs were directly or
20 indirectly paid, incurred or accrued. The preceding
21 sentence shall not apply to the extent that the same
22 dividends caused a reduction to the addition
23 modification required under Section 203(d)(2)(D-7) of
24 this Act. As used in this subparagraph, the term
25 "intangible expenses and costs" includes (1) expenses,
26 losses, and costs for, or related to, the direct or

1 indirect acquisition, use, maintenance or management,
2 ownership, sale, exchange, or any other disposition of
3 intangible property; (2) losses incurred, directly or
4 indirectly, from factoring transactions or discounting
5 transactions; (3) royalty, patent, technical, and
6 copyright fees; (4) licensing fees; and (5) other
7 similar expenses and costs. For purposes of this
8 subparagraph, "intangible property" includes patents,
9 patent applications, trade names, trademarks, service
10 marks, copyrights, mask works, trade secrets, and
11 similar types of intangible assets;

12 This paragraph shall not apply to the following:

13 (i) any item of intangible expenses or costs
14 paid, accrued, or incurred, directly or
15 indirectly, from a transaction with a person who is
16 subject in a foreign country or state, other than a
17 state which requires mandatory unitary reporting,
18 to a tax on or measured by net income with respect
19 to such item; or

20 (ii) any item of intangible expense or cost
21 paid, accrued, or incurred, directly or
22 indirectly, if the taxpayer can establish, based
23 on a preponderance of the evidence, both of the
24 following:

25 (a) the person during the same taxable
26 year paid, accrued, or incurred, the

1 intangible expense or cost to a person that is
2 not a related member, and

3 (b) the transaction giving rise to the
4 intangible expense or cost between the
5 taxpayer and the person did not have as a
6 principal purpose the avoidance of Illinois
7 income tax, and is paid pursuant to a contract
8 or agreement that reflects arm's-length terms;
9 or

10 (iii) any item of intangible expense or cost
11 paid, accrued, or incurred, directly or
12 indirectly, from a transaction with a person if the
13 taxpayer establishes by clear and convincing
14 evidence, that the adjustments are unreasonable;
15 or if the taxpayer and the Director agree in
16 writing to the application or use of an alternative
17 method of apportionment under Section 304(f);

18 Nothing in this subsection shall preclude the
19 Director from making any other adjustment
20 otherwise allowed under Section 404 of this Act for
21 any tax year beginning after the effective date of
22 this amendment provided such adjustment is made
23 pursuant to regulation adopted by the Department
24 and such regulations provide methods and standards
25 by which the Department will utilize its authority
26 under Section 404 of this Act;

1 (D-9) For taxable years ending on or after December
2 31, 2008, an amount equal to the amount of insurance
3 premium expenses and costs otherwise allowed as a
4 deduction in computing base income, and that were paid,
5 accrued, or incurred, directly or indirectly, to a
6 person who would be a member of the same unitary
7 business group but for the fact that the person is
8 prohibited under Section 1501(a)(27) from being
9 included in the unitary business group because he or
10 she is ordinarily required to apportion business
11 income under different subsections of Section 304. The
12 addition modification required by this subparagraph
13 shall be reduced to the extent that dividends were
14 included in base income of the unitary group for the
15 same taxable year and received by the taxpayer or by a
16 member of the taxpayer's unitary business group
17 (including amounts included in gross income under
18 Sections 951 through 964 of the Internal Revenue Code
19 and amounts included in gross income under Section 78
20 of the Internal Revenue Code) with respect to the stock
21 of the same person to whom the premiums and costs were
22 directly or indirectly paid, incurred, or accrued. The
23 preceding sentence does not apply to the extent that
24 the same dividends caused a reduction to the addition
25 modification required under Section 203(d)(2)(D-7) or
26 Section 203(d)(2)(D-8) of this Act;

1 (D-10) An amount equal to the credit allowable to
2 the taxpayer under Section 218(a) of this Act,
3 determined without regard to Section 218(c) of this
4 Act;

5 (D-11) For taxable years ending on or after
6 December 31, 2017, an amount equal to the deduction
7 allowed under Section 199 of the Internal Revenue Code
8 for the taxable year;

9 and by deducting from the total so obtained the following
10 amounts:

11 (E) The valuation limitation amount;

12 (F) An amount equal to the amount of any tax
13 imposed by this Act which was refunded to the taxpayer
14 and included in such total for the taxable year;

15 (G) An amount equal to all amounts included in
16 taxable income as modified by subparagraphs (A), (B),
17 (C) and (D) which are exempt from taxation by this
18 State either by reason of its statutes or Constitution
19 or by reason of the Constitution, treaties or statutes
20 of the United States; provided that, in the case of any
21 statute of this State that exempts income derived from
22 bonds or other obligations from the tax imposed under
23 this Act, the amount exempted shall be the interest net
24 of bond premium amortization;

25 (H) Any income of the partnership which
26 constitutes personal service income as defined in

1 Section 1348(b)(1) of the Internal Revenue Code (as in
2 effect December 31, 1981) or a reasonable allowance for
3 compensation paid or accrued for services rendered by
4 partners to the partnership, whichever is greater;
5 this subparagraph (H) is exempt from the provisions of
6 Section 250;

7 (I) An amount equal to all amounts of income
8 distributable to an entity subject to the Personal
9 Property Tax Replacement Income Tax imposed by
10 subsections (c) and (d) of Section 201 of this Act
11 including amounts distributable to organizations
12 exempt from federal income tax by reason of Section
13 501(a) of the Internal Revenue Code; this subparagraph
14 (I) is exempt from the provisions of Section 250;

15 (J) With the exception of any amounts subtracted
16 under subparagraph (G), an amount equal to the sum of
17 all amounts disallowed as deductions by (i) Sections
18 171(a)(2),~~7~~ and 265(a)(2) of the Internal Revenue Code,
19 and all amounts of expenses allocable to interest and
20 disallowed as deductions by Section 265(a)(1) of the
21 Internal Revenue Code; and (ii) for taxable years
22 ending on or after August 13, 1999, Sections 171(a)(2),
23 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue
24 Code, plus, (iii) for taxable years ending on or after
25 December 31, 2011, Section 45G(e)(3) of the Internal
26 Revenue Code and, for taxable years ending on or after

1 December 31, 2008, any amount included in gross income
2 under Section 87 of the Internal Revenue Code; the
3 provisions of this subparagraph are exempt from the
4 provisions of Section 250;

5 (K) An amount equal to those dividends included in
6 such total which were paid by a corporation which
7 conducts business operations in a River Edge
8 Redevelopment Zone or zones created under the River
9 Edge Redevelopment Zone Act and conducts substantially
10 all of its operations from a River Edge Redevelopment
11 Zone or zones. This subparagraph (K) is exempt from the
12 provisions of Section 250;

13 (L) An amount equal to any contribution made to a
14 job training project established pursuant to the Real
15 Property Tax Increment Allocation Redevelopment Act;

16 (M) An amount equal to those dividends included in
17 such total that were paid by a corporation that
18 conducts business operations in a federally designated
19 Foreign Trade Zone or Sub-Zone and that is designated a
20 High Impact Business located in Illinois; provided
21 that dividends eligible for the deduction provided in
22 subparagraph (K) of paragraph (2) of this subsection
23 shall not be eligible for the deduction provided under
24 this subparagraph (M);

25 (N) An amount equal to the amount of the deduction
26 used to compute the federal income tax credit for

1 restoration of substantial amounts held under claim of
2 right for the taxable year pursuant to Section 1341 of
3 the Internal Revenue Code;

4 (O) For taxable years 2001 and thereafter, for the
5 taxable year in which the bonus depreciation deduction
6 is taken on the taxpayer's federal income tax return
7 under subsection (k) of Section 168 of the Internal
8 Revenue Code and for each applicable taxable year
9 thereafter, an amount equal to "x", where:

10 (1) "y" equals the amount of the depreciation
11 deduction taken for the taxable year on the
12 taxpayer's federal income tax return on property
13 for which the bonus depreciation deduction was
14 taken in any year under subsection (k) of Section
15 168 of the Internal Revenue Code, but not including
16 the bonus depreciation deduction;

17 (2) for taxable years ending on or before
18 December 31, 2005, "x" equals "y" multiplied by 30
19 and then divided by 70 (or "y" multiplied by
20 0.429); and

21 (3) for taxable years ending after December
22 31, 2005:

23 (i) for property on which a bonus
24 depreciation deduction of 30% of the adjusted
25 basis was taken, "x" equals "y" multiplied by
26 30 and then divided by 70 (or "y" multiplied by

1 0.429); and

2 (ii) for property on which a bonus
3 depreciation deduction of 50% of the adjusted
4 basis was taken, "x" equals "y" multiplied by
5 1.0.

6 The aggregate amount deducted under this
7 subparagraph in all taxable years for any one piece of
8 property may not exceed the amount of the bonus
9 depreciation deduction taken on that property on the
10 taxpayer's federal income tax return under subsection
11 (k) of Section 168 of the Internal Revenue Code. This
12 subparagraph (O) is exempt from the provisions of
13 Section 250;

14 (P) If the taxpayer sells, transfers, abandons, or
15 otherwise disposes of property for which the taxpayer
16 was required in any taxable year to make an addition
17 modification under subparagraph (D-5), then an amount
18 equal to that addition modification.

19 If the taxpayer continues to own property through
20 the last day of the last tax year for which the
21 taxpayer may claim a depreciation deduction for
22 federal income tax purposes and for which the taxpayer
23 was required in any taxable year to make an addition
24 modification under subparagraph (D-5), then an amount
25 equal to that addition modification.

26 The taxpayer is allowed to take the deduction under

1 this subparagraph only once with respect to any one
2 piece of property.

3 This subparagraph (P) is exempt from the
4 provisions of Section 250;

5 (Q) The amount of (i) any interest income (net of
6 the deductions allocable thereto) taken into account
7 for the taxable year with respect to a transaction with
8 a taxpayer that is required to make an addition
9 modification with respect to such transaction under
10 Section 203(a) (2) (D-17), 203(b) (2) (E-12),
11 203(c) (2) (G-12), or 203(d) (2) (D-7), but not to exceed
12 the amount of such addition modification and (ii) any
13 income from intangible property (net of the deductions
14 allocable thereto) taken into account for the taxable
15 year with respect to a transaction with a taxpayer that
16 is required to make an addition modification with
17 respect to such transaction under Section
18 203(a) (2) (D-18), 203(b) (2) (E-13), 203(c) (2) (G-13), or
19 203(d) (2) (D-8), but not to exceed the amount of such
20 addition modification. This subparagraph (Q) is exempt
21 from Section 250;

22 (R) An amount equal to the interest income taken
23 into account for the taxable year (net of the
24 deductions allocable thereto) with respect to
25 transactions with (i) a foreign person who would be a
26 member of the taxpayer's unitary business group but for

1 the fact that the foreign person's business activity
2 outside the United States is 80% or more of that
3 person's total business activity and (ii) for taxable
4 years ending on or after December 31, 2008, to a person
5 who would be a member of the same unitary business
6 group but for the fact that the person is prohibited
7 under Section 1501(a)(27) from being included in the
8 unitary business group because he or she is ordinarily
9 required to apportion business income under different
10 subsections of Section 304, but not to exceed the
11 addition modification required to be made for the same
12 taxable year under Section 203(d)(2)(D-7) for interest
13 paid, accrued, or incurred, directly or indirectly, to
14 the same person. This subparagraph (R) is exempt from
15 Section 250;

16 (S) An amount equal to the income from intangible
17 property taken into account for the taxable year (net
18 of the deductions allocable thereto) with respect to
19 transactions with (i) a foreign person who would be a
20 member of the taxpayer's unitary business group but for
21 the fact that the foreign person's business activity
22 outside the United States is 80% or more of that
23 person's total business activity and (ii) for taxable
24 years ending on or after December 31, 2008, to a person
25 who would be a member of the same unitary business
26 group but for the fact that the person is prohibited

1 under Section 1501(a)(27) from being included in the
2 unitary business group because he or she is ordinarily
3 required to apportion business income under different
4 subsections of Section 304, but not to exceed the
5 addition modification required to be made for the same
6 taxable year under Section 203(d)(2)(D-8) for
7 intangible expenses and costs paid, accrued, or
8 incurred, directly or indirectly, to the same person.
9 This subparagraph (S) is exempt from Section 250; and

10 (T) For taxable years ending on or after December
11 31, 2011, in the case of a taxpayer who was required to
12 add back any insurance premiums under Section
13 203(d)(2)(D-9), such taxpayer may elect to subtract
14 that part of a reimbursement received from the
15 insurance company equal to the amount of the expense or
16 loss (including expenses incurred by the insurance
17 company) that would have been taken into account as a
18 deduction for federal income tax purposes if the
19 expense or loss had been uninsured. If a taxpayer makes
20 the election provided for by this subparagraph (T), the
21 insurer to which the premiums were paid must add back
22 to income the amount subtracted by the taxpayer
23 pursuant to this subparagraph (T). This subparagraph
24 (T) is exempt from the provisions of Section 250.

25 (e) Gross income; adjusted gross income; taxable income.

1 (1) In general. Subject to the provisions of paragraph
2 (2) and subsection (b) (3), for purposes of this Section and
3 Section 803(e), a taxpayer's gross income, adjusted gross
4 income, or taxable income for the taxable year shall mean
5 the amount of gross income, adjusted gross income or
6 taxable income properly reportable for federal income tax
7 purposes for the taxable year under the provisions of the
8 Internal Revenue Code. Taxable income may be less than
9 zero. However, for taxable years ending on or after
10 December 31, 1986, net operating loss carryforwards from
11 taxable years ending prior to December 31, 1986, may not
12 exceed the sum of federal taxable income for the taxable
13 year before net operating loss deduction, plus the excess
14 of addition modifications over subtraction modifications
15 for the taxable year. For taxable years ending prior to
16 December 31, 1986, taxable income may never be an amount in
17 excess of the net operating loss for the taxable year as
18 defined in subsections (c) and (d) of Section 172 of the
19 Internal Revenue Code, provided that when taxable income of
20 a corporation (other than a Subchapter S corporation),
21 trust, or estate is less than zero and addition
22 modifications, other than those provided by subparagraph
23 (E) of paragraph (2) of subsection (b) for corporations or
24 subparagraph (E) of paragraph (2) of subsection (c) for
25 trusts and estates, exceed subtraction modifications, an
26 addition modification must be made under those

1 subparagraphs for any other taxable year to which the
2 taxable income less than zero (net operating loss) is
3 applied under Section 172 of the Internal Revenue Code or
4 under subparagraph (E) of paragraph (2) of this subsection
5 (e) applied in conjunction with Section 172 of the Internal
6 Revenue Code.

7 (2) Special rule. For purposes of paragraph (1) of this
8 subsection, the taxable income properly reportable for
9 federal income tax purposes shall mean:

10 (A) Certain life insurance companies. In the case
11 of a life insurance company subject to the tax imposed
12 by Section 801 of the Internal Revenue Code, life
13 insurance company taxable income, plus the amount of
14 distribution from pre-1984 policyholder surplus
15 accounts as calculated under Section 815a of the
16 Internal Revenue Code;

17 (B) Certain other insurance companies. In the case
18 of mutual insurance companies subject to the tax
19 imposed by Section 831 of the Internal Revenue Code,
20 insurance company taxable income;

21 (C) Regulated investment companies. In the case of
22 a regulated investment company subject to the tax
23 imposed by Section 852 of the Internal Revenue Code,
24 investment company taxable income;

25 (D) Real estate investment trusts. In the case of a
26 real estate investment trust subject to the tax imposed

1 by Section 857 of the Internal Revenue Code, real
2 estate investment trust taxable income;

3 (E) Consolidated corporations. In the case of a
4 corporation which is a member of an affiliated group of
5 corporations filing a consolidated income tax return
6 for the taxable year for federal income tax purposes,
7 taxable income determined as if such corporation had
8 filed a separate return for federal income tax purposes
9 for the taxable year and each preceding taxable year
10 for which it was a member of an affiliated group. For
11 purposes of this subparagraph, the taxpayer's separate
12 taxable income shall be determined as if the election
13 provided by Section 243(b)(2) of the Internal Revenue
14 Code had been in effect for all such years;

15 (F) Cooperatives. In the case of a cooperative
16 corporation or association, the taxable income of such
17 organization determined in accordance with the
18 provisions of Section 1381 through 1388 of the Internal
19 Revenue Code, but without regard to the prohibition
20 against offsetting losses from patronage activities
21 against income from nonpatronage activities; except
22 that a cooperative corporation or association may make
23 an election to follow its federal income tax treatment
24 of patronage losses and nonpatronage losses. In the
25 event such election is made, such losses shall be
26 computed and carried over in a manner consistent with

1 subsection (a) of Section 207 of this Act and
2 apportioned by the apportionment factor reported by
3 the cooperative on its Illinois income tax return filed
4 for the taxable year in which the losses are incurred.
5 The election shall be effective for all taxable years
6 with original returns due on or after the date of the
7 election. In addition, the cooperative may file an
8 amended return or returns, as allowed under this Act,
9 to provide that the election shall be effective for
10 losses incurred or carried forward for taxable years
11 occurring prior to the date of the election. Once made,
12 the election may only be revoked upon approval of the
13 Director. The Department shall adopt rules setting
14 forth requirements for documenting the elections and
15 any resulting Illinois net loss and the standards to be
16 used by the Director in evaluating requests to revoke
17 elections. Public Act 96-932 is declaratory of
18 existing law;

19 (G) Subchapter S corporations. In the case of: (i)
20 a Subchapter S corporation for which there is in effect
21 an election for the taxable year under Section 1362 of
22 the Internal Revenue Code, the taxable income of such
23 corporation determined in accordance with Section
24 1363(b) of the Internal Revenue Code, except that
25 taxable income shall take into account those items
26 which are required by Section 1363(b)(1) of the

1 Internal Revenue Code to be separately stated; and (ii)
2 a Subchapter S corporation for which there is in effect
3 a federal election to opt out of the provisions of the
4 Subchapter S Revision Act of 1982 and have applied
5 instead the prior federal Subchapter S rules as in
6 effect on July 1, 1982, the taxable income of such
7 corporation determined in accordance with the federal
8 Subchapter S rules as in effect on July 1, 1982; and

9 (H) Partnerships. In the case of a partnership,
10 taxable income determined in accordance with Section
11 703 of the Internal Revenue Code, except that taxable
12 income shall take into account those items which are
13 required by Section 703(a)(1) to be separately stated
14 but which would be taken into account by an individual
15 in calculating his taxable income.

16 (3) Recapture of business expenses on disposition of
17 asset or business. Notwithstanding any other law to the
18 contrary, if in prior years income from an asset or
19 business has been classified as business income and in a
20 later year is demonstrated to be non-business income, then
21 all expenses, without limitation, deducted in such later
22 year and in the 2 immediately preceding taxable years
23 related to that asset or business that generated the
24 non-business income shall be added back and recaptured as
25 business income in the year of the disposition of the asset
26 or business. Such amount shall be apportioned to Illinois

1 using the greater of the apportionment fraction computed
2 for the business under Section 304 of this Act for the
3 taxable year or the average of the apportionment fractions
4 computed for the business under Section 304 of this Act for
5 the taxable year and for the 2 immediately preceding
6 taxable years.

7 (f) Valuation limitation amount.

8 (1) In general. The valuation limitation amount
9 referred to in subsections (a)(2)(G), (c)(2)(I) and
10 (d)(2)(E) is an amount equal to:

11 (A) The sum of the pre-August 1, 1969 appreciation
12 amounts (to the extent consisting of gain reportable
13 under the provisions of Section 1245 or 1250 of the
14 Internal Revenue Code) for all property in respect of
15 which such gain was reported for the taxable year; plus

16 (B) The lesser of (i) the sum of the pre-August 1,
17 1969 appreciation amounts (to the extent consisting of
18 capital gain) for all property in respect of which such
19 gain was reported for federal income tax purposes for
20 the taxable year, or (ii) the net capital gain for the
21 taxable year, reduced in either case by any amount of
22 such gain included in the amount determined under
23 subsection (a)(2)(F) or (c)(2)(H).

24 (2) Pre-August 1, 1969 appreciation amount.

25 (A) If the fair market value of property referred

1 to in paragraph (1) was readily ascertainable on August
2 1, 1969, the pre-August 1, 1969 appreciation amount for
3 such property is the lesser of (i) the excess of such
4 fair market value over the taxpayer's basis (for
5 determining gain) for such property on that date
6 (determined under the Internal Revenue Code as in
7 effect on that date), or (ii) the total gain realized
8 and reportable for federal income tax purposes in
9 respect of the sale, exchange or other disposition of
10 such property.

11 (B) If the fair market value of property referred
12 to in paragraph (1) was not readily ascertainable on
13 August 1, 1969, the pre-August 1, 1969 appreciation
14 amount for such property is that amount which bears the
15 same ratio to the total gain reported in respect of the
16 property for federal income tax purposes for the
17 taxable year, as the number of full calendar months in
18 that part of the taxpayer's holding period for the
19 property ending July 31, 1969 bears to the number of
20 full calendar months in the taxpayer's entire holding
21 period for the property.

22 (C) The Department shall prescribe such
23 regulations as may be necessary to carry out the
24 purposes of this paragraph.

25 (g) Double deductions. Unless specifically provided

1 otherwise, nothing in this Section shall permit the same item
2 to be deducted more than once.

3 (h) Legislative intention. Except as expressly provided by
4 this Section there shall be no modifications or limitations on
5 the amounts of income, gain, loss or deduction taken into
6 account in determining gross income, adjusted gross income or
7 taxable income for federal income tax purposes for the taxable
8 year, or in the amount of such items entering into the
9 computation of base income and net income under this Act for
10 such taxable year, whether in respect of property values as of
11 August 1, 1969 or otherwise.

12 (Source: P.A. 100-22, eff. 7-6-17; 100-905, eff. 8-17-18;
13 101-9, eff. 6-5-19; 101-81, eff. 7-12-19; revised 9-20-19.)

14 (35 ILCS 5/229)

15 Sec. 229. Data center construction employment tax credit.

16 (a) A taxpayer who has been awarded a credit by the
17 Department of Commerce and Economic Opportunity under Section
18 605-1025 of the Department of Commerce and Economic Opportunity
19 Law of the Civil Administrative Code of Illinois is entitled to
20 a credit against the taxes imposed under subsections (a) and
21 (b) of Section 201 of this Act. The amount of the credit shall
22 be 20% of the wages paid during the taxable year to a full-time
23 or part-time employee of a construction contractor employed by
24 a certified data center if those wages are paid for the

1 construction of a new data center in a geographic area that
2 meets any one of the following criteria:

3 (1) the area has a poverty rate of at least 20%,
4 according to the U.S. Census Bureau American Community
5 Survey 5-Year Estimates;

6 (2) 75% or more of the children in the area participate
7 in the federal free lunch program, according to reported
8 statistics from the State Board of Education;

9 (3) 20% or more of the households in the area receive
10 assistance under the Supplemental Nutrition Assistance
11 Program (SNAP), according to data from the U.S. Census
12 Bureau American Community Survey 5-year Estimates; or

13 (4) the area has an average unemployment rate, as
14 determined by the Department of Employment Security, that
15 is more than 120% of the national unemployment average, as
16 determined by the U.S. Department of Labor, for a period of
17 at least 2 consecutive calendar years preceding the date of
18 the application.

19 If the taxpayer is a partnership, a Subchapter S
20 corporation, or a limited liability company that has elected
21 partnership tax treatment, the credit shall be allowed to the
22 partners, shareholders, or members in accordance with the
23 determination of income and distributive share of income under
24 Sections 702 and 704 and subchapter S of the Internal Revenue
25 Code, as applicable. The Department, in cooperation with the
26 Department of Commerce and Economic Opportunity, shall adopt

1 rules to enforce and administer this Section. This Section is
2 exempt from the provisions of Section 250 of this Act.

3 (b) In no event shall a credit under this Section reduce
4 the taxpayer's liability to less than zero. If the amount of
5 the credit exceeds the tax liability for the year, the excess
6 may be carried forward and applied to the tax liability of the
7 5 taxable years following the excess credit year. The tax
8 credit shall be applied to the earliest year for which there is
9 a tax liability. If there are credits for more than one year
10 that are available to offset a liability, the earlier credit
11 shall be applied first.

12 (c) No credit shall be allowed with respect to any
13 certification for any taxable year ending after the revocation
14 of the certification by the Department of Commerce and Economic
15 Opportunity. Upon receiving notification by the Department of
16 Commerce and Economic Opportunity of the revocation of
17 certification, the Department shall notify the taxpayer that no
18 credit is allowed for any taxable year ending after the
19 revocation date, as stated in such notification. If any credit
20 has been allowed with respect to a certification for a taxable
21 year ending after the revocation date, any refund paid to the
22 taxpayer for that taxable year shall, to the extent of that
23 credit allowed, be an erroneous refund within the meaning of
24 Section 912 of this Act.

25 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 12-13-19.)

1 (35 ILCS 5/230)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 230 ~~229~~. Child tax credit.

5 (a) For taxable years beginning on or after January 1,
6 2021, there shall be allowed as a credit against the tax
7 imposed by Section 201 for the taxable year with respect to
8 each child of the taxpayer who is under the age of 17 and for
9 whom the taxpayer is allowed an additional exemption under
10 Section 204 an amount equal to \$100.

11 (b) The amount of the credit allowed under subsection (a)
12 shall be reduced by \$5 for each \$2,000 by which the taxpayer's
13 net income exceeds \$60,000 in the case of a joint return or
14 exceeds \$40,000 in the case of any other form of return.

15 (c) In no event shall a credit under this Section reduce
16 the taxpayer's liability to less than zero.

17 (d) This Section is exempt from the provisions of Section
18 250.

19 (Source: P.A. 101-8, see Section 99 for effective date; revised
20 9-5-19.)

21 (35 ILCS 5/231)

22 Sec. 231 ~~229~~. Apprenticeship education expense credit.

23 (a) As used in this Section:

24 "Department" means the Department of Commerce and Economic
25 Opportunity.

1 "Employer" means an Illinois taxpayer who is the employer
2 of the qualifying apprentice.

3 "Qualifying apprentice" means an individual who: (i) is a
4 resident of the State of Illinois; (ii) is at least 16 years
5 old at the close of the school year for which a credit is
6 sought; (iii) during the school year for which a credit is
7 sought, was a full-time apprentice enrolled in an
8 apprenticeship program which is registered with the United
9 States Department of Labor, Office of Apprenticeship; and (iv)
10 is employed in Illinois by the taxpayer who is the employer.

11 "Qualified education expense" means the amount incurred on
12 behalf of a qualifying apprentice not to exceed \$3,500 for
13 tuition, book fees, and lab fees at the school or community
14 college in which the apprentice is enrolled during the regular
15 school year.

16 "School" means any public or nonpublic secondary school in
17 Illinois that is: (i) an institution of higher education that
18 provides a program that leads to an industry-recognized
19 postsecondary credential or degree; (ii) an entity that carries
20 out programs registered under the federal National
21 Apprenticeship Act; or (iii) another public or private provider
22 of a program of training services, which may include a joint
23 labor-management organization.

24 (b) For taxable years beginning on or after January 1,
25 2020, and beginning on or before January 1, 2025, the employer
26 of one or more qualifying apprentices shall be allowed a credit

1 against the tax imposed by subsections (a) and (b) of Section
2 201 of the Illinois Income Tax Act for qualified education
3 expenses incurred on behalf of a qualifying apprentice. The
4 credit shall be equal to 100% of the qualified education
5 expenses, but in no event may the total credit amount awarded
6 to a single taxpayer in a single taxable year exceed \$3,500 per
7 qualifying apprentice. A taxpayer shall be entitled to an
8 additional \$1,500 credit against the tax imposed by subsections
9 (a) and (b) of Section 201 of the Illinois Income Tax Act if
10 (i) the qualifying apprentice resides in an underserved area as
11 defined in Section 5-5 of the Economic Development for a
12 Growing Economy Tax Credit Act during the school year for which
13 a credit is sought by an employer or (ii) the employer's
14 principal place of business is located in an underserved area,
15 as defined in Section 5-5 of the Economic Development for a
16 Growing Economy Tax Credit Act. In no event shall a credit
17 under this Section reduce the taxpayer's liability under this
18 Act to less than zero. For partners, shareholders of Subchapter
19 S corporations, and owners of limited liability companies, if
20 the liability company is treated as a partnership for purposes
21 of federal and State income taxation, there shall be allowed a
22 credit under this Section to be determined in accordance with
23 the determination of income and distributive share of income
24 under Sections 702 and 704 and Subchapter S of the Internal
25 Revenue Code.

26 (c) The Department shall implement a program to certify

1 applicants for an apprenticeship credit under this Section.
2 Upon satisfactory review, the Department shall issue a tax
3 credit certificate to an employer incurring costs on behalf of
4 a qualifying apprentice stating the amount of the tax credit to
5 which the employer is entitled. If the employer is seeking a
6 tax credit for multiple qualifying apprentices, the Department
7 may issue a single tax credit certificate that encompasses the
8 aggregate total of tax credits for qualifying apprentices for a
9 single employer.

10 (d) The Department, in addition to those powers granted
11 under the Civil Administrative Code of Illinois, is granted and
12 shall have all the powers necessary or convenient to carry out
13 and effectuate the purposes and provisions of this Section,
14 including, but not limited to, power and authority to:

15 (1) Adopt rules deemed necessary and appropriate for
16 the administration of this Section; establish forms for
17 applications, notifications, contracts, or any other
18 agreements; and accept applications at any time during the
19 year and require that all applications be submitted via the
20 Internet. The Department shall require that applications
21 be submitted in electronic form.

22 (2) Provide guidance and assistance to applicants
23 pursuant to the provisions of this Section and cooperate
24 with applicants to promote, foster, and support job
25 creation within the State.

26 (3) Enter into agreements and memoranda of

1 understanding for participation of and engage in
2 cooperation with agencies of the federal government, units
3 of local government, universities, research foundations or
4 institutions, regional economic development corporations,
5 or other organizations for the purposes of this Section.

6 (4) Gather information and conduct inquiries, in the
7 manner and by the methods it deems desirable, including,
8 without limitation, gathering information with respect to
9 applicants for the purpose of making any designations or
10 certifications necessary or desirable or to gather
11 information in furtherance of the purposes of this Act.

12 (5) Establish, negotiate, and effectuate any term,
13 agreement, or other document with any person necessary or
14 appropriate to accomplish the purposes of this Section, and
15 consent, subject to the provisions of any agreement with
16 another party, to the modification or restructuring of any
17 agreement to which the Department is a party.

18 (6) Provide for sufficient personnel to permit
19 administration, staffing, operation, and related support
20 required to adequately discharge its duties and
21 responsibilities described in this Section from funds made
22 available through charges to applicants or from funds as
23 may be appropriated by the General Assembly for the
24 administration of this Section.

25 (7) Require applicants, upon written request, to issue
26 any necessary authorization to the appropriate federal,

1 State, or local authority or any other person for the
2 release to the Department of information requested by the
3 Department, including, but not be limited to, financial
4 reports, returns, or records relating to the applicant or
5 to the amount of credit allowable under this Section.

6 (8) Require that an applicant shall, at all times, keep
7 proper books of record and account in accordance with
8 generally accepted accounting principles consistently
9 applied, with the books, records, or papers related to the
10 agreement in the custody or control of the applicant open
11 for reasonable Department inspection and audits,
12 including, without limitation, the making of copies of the
13 books, records, or papers.

14 (9) Take whatever actions are necessary or appropriate
15 to protect the State's interest in the event of bankruptcy,
16 default, foreclosure, or noncompliance with the terms and
17 conditions of financial assistance or participation
18 required under this Section or any agreement entered into
19 under this Section, including the power to sell, dispose
20 of, lease, or rent, upon terms and conditions determined by
21 the Department to be appropriate, real or personal property
22 that the Department may recover as a result of these
23 actions.

24 (e) The Department, in consultation with the Department of
25 Revenue, shall adopt rules to administer this Section. The
26 aggregate amount of the tax credits that may be claimed under

1 this Section for qualified education expenses incurred by an
2 employer on behalf of a qualifying apprentice shall be limited
3 to \$5,000,000 per calendar year. If applications for a greater
4 amount are received, credits shall be allowed on a first-come
5 first-served basis, based on the date on which each properly
6 completed application for a certificate of eligibility is
7 received by the Department. If more than one certificate is
8 received on the same day, the credits will be awarded based on
9 the time of submission for that particular day.

10 (f) An employer may not sell or otherwise transfer a credit
11 awarded under this Section to another person or taxpayer.

12 (g) The employer shall provide the Department such
13 information as the Department may require, including but not
14 limited to: (i) the name, age, and taxpayer identification
15 number of each qualifying apprentice employed by the taxpayer
16 during the taxable year; (ii) the amount of qualified education
17 expenses incurred with respect to each qualifying apprentice;
18 and (iii) the name of the school at which the qualifying
19 apprentice is enrolled and the qualified education expenses are
20 incurred.

21 (h) On or before July 1 of each year, the Department shall
22 report to the Governor and the General Assembly on the tax
23 credit certificates awarded under this Section for the prior
24 calendar year. The report must include:

25 (1) the name of each employer awarded or allocated a
26 credit;

1 (2) the number of qualifying apprentices for whom the
2 employer has incurred qualified education expenses;

3 (3) the North American Industry Classification System
4 (NAICS) code applicable to each employer awarded or
5 allocated a credit;

6 (4) the amount of the credit awarded or allocated to
7 each employer;

8 (5) the total number of employers awarded or allocated
9 a credit;

10 (6) the total number of qualifying apprentices for whom
11 employers receiving credits under this Section incurred
12 qualified education expenses; and

13 (7) the average cost to the employer of all
14 apprenticeships receiving credits under this Section.

15 (Source: P.A. 101-207, eff. 8-2-19; revised 9-5-19.)

16 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

17 Sec. 304. Business income of persons other than residents.

18 (a) In general. The business income of a person other than
19 a resident shall be allocated to this State if such person's
20 business income is derived solely from this State. If a person
21 other than a resident derives business income from this State
22 and one or more other states, then, for tax years ending on or
23 before December 30, 1998, and except as otherwise provided by
24 this Section, such person's business income shall be
25 apportioned to this State by multiplying the income by a

1 fraction, the numerator of which is the sum of the property
2 factor (if any), the payroll factor (if any) and 200% of the
3 sales factor (if any), and the denominator of which is 4
4 reduced by the number of factors other than the sales factor
5 which have a denominator of zero and by an additional 2 if the
6 sales factor has a denominator of zero. For tax years ending on
7 or after December 31, 1998, and except as otherwise provided by
8 this Section, persons other than residents who derive business
9 income from this State and one or more other states shall
10 compute their apportionment factor by weighting their
11 property, payroll, and sales factors as provided in subsection
12 (h) of this Section.

13 (1) Property factor.

14 (A) The property factor is a fraction, the numerator of
15 which is the average value of the person's real and
16 tangible personal property owned or rented and used in the
17 trade or business in this State during the taxable year and
18 the denominator of which is the average value of all the
19 person's real and tangible personal property owned or
20 rented and used in the trade or business during the taxable
21 year.

22 (B) Property owned by the person is valued at its
23 original cost. Property rented by the person is valued at 8
24 times the net annual rental rate. Net annual rental rate is
25 the annual rental rate paid by the person less any annual
26 rental rate received by the person from sub-rentals.

1 (C) The average value of property shall be determined
2 by averaging the values at the beginning and ending of the
3 taxable year but the Director may require the averaging of
4 monthly values during the taxable year if reasonably
5 required to reflect properly the average value of the
6 person's property.

7 (2) Payroll factor.

8 (A) The payroll factor is a fraction, the numerator of
9 which is the total amount paid in this State during the
10 taxable year by the person for compensation, and the
11 denominator of which is the total compensation paid
12 everywhere during the taxable year.

13 (B) Compensation is paid in this State if:

14 (i) The individual's service is performed entirely
15 within this State;

16 (ii) The individual's service is performed both
17 within and without this State, but the service
18 performed without this State is incidental to the
19 individual's service performed within this State; or

20 (iii) For tax years ending prior to December 31,
21 2020, some of the service is performed within this
22 State and either the base of operations, or if there is
23 no base of operations, the place from which the service
24 is directed or controlled is within this State, or the
25 base of operations or the place from which the service
26 is directed or controlled is not in any state in which

1 some part of the service is performed, but the
2 individual's residence is in this State. For tax years
3 ending on or after December 31, 2020, compensation is
4 paid in this State if some of the individual's service
5 is performed within this State, the individual's
6 service performed within this State is nonincidental
7 to the individual's service performed without this
8 State, and the individual's service is performed
9 within this State for more than 30 working days during
10 the tax year. The amount of compensation paid in this
11 State shall include the portion of the individual's
12 total compensation for services performed on behalf of
13 his or her employer during the tax year which the
14 number of working days spent within this State during
15 the tax year bears to the total number of working days
16 spent both within and without this State during the tax
17 year. For purposes of this paragraph:

18 (a) The term "working day" means all days
19 during the tax year in which the individual
20 performs duties on behalf of his or her employer.
21 All days in which the individual performs no duties
22 on behalf of his or her employer (e.g., weekends,
23 vacation days, sick days, and holidays) are not
24 working days.

25 (b) A working day is spent within this State
26 if:

1 (1) the individual performs service on
2 behalf of the employer and a greater amount of
3 time on that day is spent by the individual
4 performing duties on behalf of the employer
5 within this State, without regard to time spent
6 traveling, than is spent performing duties on
7 behalf of the employer without this State; or

8 (2) the only service the individual
9 performs on behalf of the employer on that day
10 is traveling to a destination within this
11 State, and the individual arrives on that day.

12 (c) Working days spent within this State do not
13 include any day in which the employee is performing
14 services in this State during a disaster period
15 solely in response to a request made to his or her
16 employer by the government of this State, by any
17 political subdivision of this State, or by a person
18 conducting business in this State to perform
19 disaster or emergency-related services in this
20 State. For purposes of this item (c):

21 "Declared State disaster or emergency"
22 means a disaster or emergency event (i) for
23 which a Governor's proclamation of a state of
24 emergency has been issued or (ii) for which a
25 Presidential declaration of a federal major
26 disaster or emergency has been issued.

1 "Disaster period" means a period that
2 begins 10 days prior to the date of the
3 Governor's proclamation or the President's
4 declaration (whichever is earlier) and extends
5 for a period of 60 calendar days after the end
6 of the declared disaster or emergency period.

7 "Disaster or emergency-related services"
8 means repairing, renovating, installing,
9 building, or rendering services or conducting
10 other business activities that relate to
11 infrastructure that has been damaged,
12 impaired, or destroyed by the declared State
13 disaster or emergency.

14 "Infrastructure" means property and
15 equipment owned or used by a public utility,
16 communications network, broadband and internet
17 service provider, cable and video service
18 provider, electric or gas distribution system,
19 or water pipeline that provides service to more
20 than one customer or person, including related
21 support facilities. "Infrastructure" includes,
22 but is not limited to, real and personal
23 property such as buildings, offices, power
24 lines, cable lines, poles, communications
25 lines, pipes, structures, and equipment.

26 (iv) Compensation paid to nonresident professional

1 athletes.

2 (a) General. The Illinois source income of a
3 nonresident individual who is a member of a
4 professional athletic team includes the portion of the
5 individual's total compensation for services performed
6 as a member of a professional athletic team during the
7 taxable year which the number of duty days spent within
8 this State performing services for the team in any
9 manner during the taxable year bears to the total
10 number of duty days spent both within and without this
11 State during the taxable year.

12 (b) Travel days. Travel days that do not involve
13 either a game, practice, team meeting, or other similar
14 team event are not considered duty days spent in this
15 State. However, such travel days are considered in the
16 total duty days spent both within and without this
17 State.

18 (c) Definitions. For purposes of this subpart
19 (iv):

20 (1) The term "professional athletic team"
21 includes, but is not limited to, any professional
22 baseball, basketball, football, soccer, or hockey
23 team.

24 (2) The term "member of a professional
25 athletic team" includes those employees who are
26 active players, players on the disabled list, and

1 any other persons required to travel and who travel
2 with and perform services on behalf of a
3 professional athletic team on a regular basis.
4 This includes, but is not limited to, coaches,
5 managers, and trainers.

6 (3) Except as provided in items (C) and (D) of
7 this subpart (3), the term "duty days" means all
8 days during the taxable year from the beginning of
9 the professional athletic team's official
10 pre-season training period through the last game
11 in which the team competes or is scheduled to
12 compete. Duty days shall be counted for the year in
13 which they occur, including where a team's
14 official pre-season training period through the
15 last game in which the team competes or is
16 scheduled to compete, occurs during more than one
17 tax year.

18 (A) Duty days shall also include days on
19 which a member of a professional athletic team
20 performs service for a team on a date that does
21 not fall within the foregoing period (e.g.,
22 participation in instructional leagues, the
23 "All Star Game", or promotional "caravans").
24 Performing a service for a professional
25 athletic team includes conducting training and
26 rehabilitation activities, when such

1 activities are conducted at team facilities.

2 (B) Also included in duty days are game
3 days, practice days, days spent at team
4 meetings, promotional caravans, preseason
5 training camps, and days served with the team
6 through all post-season games in which the team
7 competes or is scheduled to compete.

8 (C) Duty days for any person who joins a
9 team during the period from the beginning of
10 the professional athletic team's official
11 pre-season training period through the last
12 game in which the team competes, or is
13 scheduled to compete, shall begin on the day
14 that person joins the team. Conversely, duty
15 days for any person who leaves a team during
16 this period shall end on the day that person
17 leaves the team. Where a person switches teams
18 during a taxable year, a separate duty-day
19 calculation shall be made for the period the
20 person was with each team.

21 (D) Days for which a member of a
22 professional athletic team is not compensated
23 and is not performing services for the team in
24 any manner, including days when such member of
25 a professional athletic team has been
26 suspended without pay and prohibited from

1 performing any services for the team, shall not
2 be treated as duty days.

3 (E) Days for which a member of a
4 professional athletic team is on the disabled
5 list and does not conduct rehabilitation
6 activities at facilities of the team, and is
7 not otherwise performing services for the team
8 in Illinois, shall not be considered duty days
9 spent in this State. All days on the disabled
10 list, however, are considered to be included in
11 total duty days spent both within and without
12 this State.

13 (4) The term "total compensation for services
14 performed as a member of a professional athletic
15 team" means the total compensation received during
16 the taxable year for services performed:

17 (A) from the beginning of the official
18 pre-season training period through the last
19 game in which the team competes or is scheduled
20 to compete during that taxable year; and

21 (B) during the taxable year on a date which
22 does not fall within the foregoing period
23 (e.g., participation in instructional leagues,
24 the "All Star Game", or promotional caravans).

25 This compensation shall include, but is not
26 limited to, salaries, wages, bonuses as described

1 in this subpart, and any other type of compensation
2 paid during the taxable year to a member of a
3 professional athletic team for services performed
4 in that year. This compensation does not include
5 strike benefits, severance pay, termination pay,
6 contract or option year buy-out payments,
7 expansion or relocation payments, or any other
8 payments not related to services performed for the
9 team.

10 For purposes of this subparagraph, "bonuses"
11 included in "total compensation for services
12 performed as a member of a professional athletic
13 team" subject to the allocation described in
14 Section 302(c)(1) are: bonuses earned as a result
15 of play (i.e., performance bonuses) during the
16 season, including bonuses paid for championship,
17 playoff or "bowl" games played by a team, or for
18 selection to all-star league or other honorary
19 positions; and bonuses paid for signing a
20 contract, unless the payment of the signing bonus
21 is not conditional upon the signee playing any
22 games for the team or performing any subsequent
23 services for the team or even making the team, the
24 signing bonus is payable separately from the
25 salary and any other compensation, and the signing
26 bonus is nonrefundable.

1 (3) Sales factor.

2 (A) The sales factor is a fraction, the numerator of
3 which is the total sales of the person in this State during
4 the taxable year, and the denominator of which is the total
5 sales of the person everywhere during the taxable year.

6 (B) Sales of tangible personal property are in this
7 State if:

8 (i) The property is delivered or shipped to a
9 purchaser, other than the United States government,
10 within this State regardless of the f. o. b. point or
11 other conditions of the sale; or

12 (ii) The property is shipped from an office, store,
13 warehouse, factory or other place of storage in this
14 State and either the purchaser is the United States
15 government or the person is not taxable in the state of
16 the purchaser; provided, however, that premises owned
17 or leased by a person who has independently contracted
18 with the seller for the printing of newspapers,
19 periodicals or books shall not be deemed to be an
20 office, store, warehouse, factory or other place of
21 storage for purposes of this Section. Sales of tangible
22 personal property are not in this State if the seller
23 and purchaser would be members of the same unitary
24 business group but for the fact that either the seller
25 or purchaser is a person with 80% or more of total
26 business activity outside of the United States and the

1 property is purchased for resale.

2 (B-1) Patents, copyrights, trademarks, and similar
3 items of intangible personal property.

4 (i) Gross receipts from the licensing, sale, or
5 other disposition of a patent, copyright, trademark,
6 or similar item of intangible personal property, other
7 than gross receipts governed by paragraph (B-7) of this
8 item (3), are in this State to the extent the item is
9 utilized in this State during the year the gross
10 receipts are included in gross income.

11 (ii) Place of utilization.

12 (I) A patent is utilized in a state to the
13 extent that it is employed in production,
14 fabrication, manufacturing, or other processing in
15 the state or to the extent that a patented product
16 is produced in the state. If a patent is utilized
17 in more than one state, the extent to which it is
18 utilized in any one state shall be a fraction equal
19 to the gross receipts of the licensee or purchaser
20 from sales or leases of items produced,
21 fabricated, manufactured, or processed within that
22 state using the patent and of patented items
23 produced within that state, divided by the total of
24 such gross receipts for all states in which the
25 patent is utilized.

26 (II) A copyright is utilized in a state to the

1 extent that printing or other publication
2 originates in the state. If a copyright is utilized
3 in more than one state, the extent to which it is
4 utilized in any one state shall be a fraction equal
5 to the gross receipts from sales or licenses of
6 materials printed or published in that state
7 divided by the total of such gross receipts for all
8 states in which the copyright is utilized.

9 (III) Trademarks and other items of intangible
10 personal property governed by this paragraph (B-1)
11 are utilized in the state in which the commercial
12 domicile of the licensee or purchaser is located.

13 (iii) If the state of utilization of an item of
14 property governed by this paragraph (B-1) cannot be
15 determined from the taxpayer's books and records or
16 from the books and records of any person related to the
17 taxpayer within the meaning of Section 267(b) of the
18 Internal Revenue Code, 26 U.S.C. 267, the gross
19 receipts attributable to that item shall be excluded
20 from both the numerator and the denominator of the
21 sales factor.

22 (B-2) Gross receipts from the license, sale, or other
23 disposition of patents, copyrights, trademarks, and
24 similar items of intangible personal property, other than
25 gross receipts governed by paragraph (B-7) of this item
26 (3), may be included in the numerator or denominator of the

1 sales factor only if gross receipts from licenses, sales,
2 or other disposition of such items comprise more than 50%
3 of the taxpayer's total gross receipts included in gross
4 income during the tax year and during each of the 2
5 immediately preceding tax years; provided that, when a
6 taxpayer is a member of a unitary business group, such
7 determination shall be made on the basis of the gross
8 receipts of the entire unitary business group.

9 (B-5) For taxable years ending on or after December 31,
10 2008, except as provided in subsections (ii) through (vii),
11 receipts from the sale of telecommunications service or
12 mobile telecommunications service are in this State if the
13 customer's service address is in this State.

14 (i) For purposes of this subparagraph (B-5), the
15 following terms have the following meanings:

16 "Ancillary services" means services that are
17 associated with or incidental to the provision of
18 "telecommunications services", including, but not
19 limited to, "detailed telecommunications billing",
20 "directory assistance", "vertical service", and "voice
21 mail services".

22 "Air-to-Ground Radiotelephone service" means a
23 radio service, as that term is defined in 47 CFR 22.99,
24 in which common carriers are authorized to offer and
25 provide radio telecommunications service for hire to
26 subscribers in aircraft.

1 "Call-by-call Basis" means any method of charging
2 for telecommunications services where the price is
3 measured by individual calls.

4 "Communications Channel" means a physical or
5 virtual path of communications over which signals are
6 transmitted between or among customer channel
7 termination points.

8 "Conference bridging service" means an "ancillary
9 service" that links two or more participants of an
10 audio or video conference call and may include the
11 provision of a telephone number. "Conference bridging
12 service" does not include the "telecommunications
13 services" used to reach the conference bridge.

14 "Customer Channel Termination Point" means the
15 location where the customer either inputs or receives
16 the communications.

17 "Detailed telecommunications billing service"
18 means an "ancillary service" of separately stating
19 information pertaining to individual calls on a
20 customer's billing statement.

21 "Directory assistance" means an "ancillary
22 service" of providing telephone number information,
23 and/or address information.

24 "Home service provider" means the facilities based
25 carrier or reseller with which the customer contracts
26 for the provision of mobile telecommunications

1 services.

2 "Mobile telecommunications service" means
3 commercial mobile radio service, as defined in Section
4 20.3 of Title 47 of the Code of Federal Regulations as
5 in effect on June 1, 1999.

6 "Place of primary use" means the street address
7 representative of where the customer's use of the
8 telecommunications service primarily occurs, which
9 must be the residential street address or the primary
10 business street address of the customer. In the case of
11 mobile telecommunications services, "place of primary
12 use" must be within the licensed service area of the
13 home service provider.

14 "Post-paid telecommunication service" means the
15 telecommunications service obtained by making a
16 payment on a call-by-call basis either through the use
17 of a credit card or payment mechanism such as a bank
18 card, travel card, credit card, or debit card, or by
19 charge made to a telephone number which is not
20 associated with the origination or termination of the
21 telecommunications service. A post-paid calling
22 service includes telecommunications service, except a
23 prepaid wireless calling service, that would be a
24 prepaid calling service except it is not exclusively a
25 telecommunication service.

26 "Prepaid telecommunication service" means the

1 right to access exclusively telecommunications
2 services, which must be paid for in advance and which
3 enables the origination of calls using an access number
4 or authorization code, whether manually or
5 electronically dialed, and that is sold in
6 predetermined units or dollars of which the number
7 declines with use in a known amount.

8 "Prepaid Mobile telecommunication service" means a
9 telecommunications service that provides the right to
10 utilize mobile wireless service as well as other
11 non-telecommunication services, including, but not
12 limited to, ancillary services, which must be paid for
13 in advance that is sold in predetermined units or
14 dollars of which the number declines with use in a
15 known amount.

16 "Private communication service" means a
17 telecommunication service that entitles the customer
18 to exclusive or priority use of a communications
19 channel or group of channels between or among
20 termination points, regardless of the manner in which
21 such channel or channels are connected, and includes
22 switching capacity, extension lines, stations, and any
23 other associated services that are provided in
24 connection with the use of such channel or channels.

25 "Service address" means:

26 (a) The location of the telecommunications

1 equipment to which a customer's call is charged and
2 from which the call originates or terminates,
3 regardless of where the call is billed or paid;

4 (b) If the location in line (a) is not known,
5 service address means the origination point of the
6 signal of the telecommunications services first
7 identified by either the seller's
8 telecommunications system or in information
9 received by the seller from its service provider
10 where the system used to transport such signals is
11 not that of the seller; and

12 (c) If the locations in line (a) and line (b)
13 are not known, the service address means the
14 location of the customer's place of primary use.

15 "Telecommunications service" means the electronic
16 transmission, conveyance, or routing of voice, data,
17 audio, video, or any other information or signals to a
18 point, or between or among points. The term
19 "telecommunications service" includes such
20 transmission, conveyance, or routing in which computer
21 processing applications are used to act on the form,
22 code or protocol of the content for purposes of
23 transmission, conveyance or routing without regard to
24 whether such service is referred to as voice over
25 Internet protocol services or is classified by the
26 Federal Communications Commission as enhanced or value

1 added. "Telecommunications service" does not include:

2 (a) Data processing and information services
3 that allow data to be generated, acquired, stored,
4 processed, or retrieved and delivered by an
5 electronic transmission to a purchaser when such
6 purchaser's primary purpose for the underlying
7 transaction is the processed data or information;

8 (b) Installation or maintenance of wiring or
9 equipment on a customer's premises;

10 (c) Tangible personal property;

11 (d) Advertising, including, but not limited
12 to, directory advertising;

13 (e) Billing and collection services provided
14 to third parties;

15 (f) Internet access service;

16 (g) Radio and television audio and video
17 programming services, regardless of the medium,
18 including the furnishing of transmission,
19 conveyance and routing of such services by the
20 programming service provider. Radio and television
21 audio and video programming services shall
22 include, but not be limited to, cable service as
23 defined in 47 USC 522(6) and audio and video
24 programming services delivered by commercial
25 mobile radio service providers, as defined in 47
26 CFR 20.3;

1 telecommunications service at retail are in this State
2 if the origination point of the telecommunication
3 signal, as first identified by the service provider's
4 telecommunication system or as identified by
5 information received by the seller from its service
6 provider if the system used to transport
7 telecommunication signals is not the seller's, is
8 located in this State.

9 (iv) Receipts from the sale of prepaid
10 telecommunications service or prepaid mobile
11 telecommunications service at retail are in this State
12 if the purchaser obtains the prepaid card or similar
13 means of conveyance at a location in this State.
14 Receipts from recharging a prepaid telecommunications
15 service or mobile telecommunications service is in
16 this State if the purchaser's billing information
17 indicates a location in this State.

18 (v) Receipts from the sale of private
19 communication services are in this State as follows:

20 (a) 100% of receipts from charges imposed at
21 each channel termination point in this State.

22 (b) 100% of receipts from charges for the total
23 channel mileage between each channel termination
24 point in this State.

25 (c) 50% of the total receipts from charges for
26 service segments when those segments are between 2

1 customer channel termination points, 1 of which is
2 located in this State and the other is located
3 outside of this State, which segments are
4 separately charged.

5 (d) The receipts from charges for service
6 segments with a channel termination point located
7 in this State and in two or more other states, and
8 which segments are not separately billed, are in
9 this State based on a percentage determined by
10 dividing the number of customer channel
11 termination points in this State by the total
12 number of customer channel termination points.

13 (vi) Receipts from charges for ancillary services
14 for telecommunications service sold to customers at
15 retail are in this State if the customer's primary
16 place of use of telecommunications services associated
17 with those ancillary services is in this State. If the
18 seller of those ancillary services cannot determine
19 where the associated telecommunications are located,
20 then the ancillary services shall be based on the
21 location of the purchaser.

22 (vii) Receipts to access a carrier's network or
23 from the sale of telecommunication services or
24 ancillary services for resale are in this State as
25 follows:

26 (a) 100% of the receipts from access fees

1 attributable to intrastate telecommunications
2 service that both originates and terminates in
3 this State.

4 (b) 50% of the receipts from access fees
5 attributable to interstate telecommunications
6 service if the interstate call either originates
7 or terminates in this State.

8 (c) 100% of the receipts from interstate end
9 user access line charges, if the customer's
10 service address is in this State. As used in this
11 subdivision, "interstate end user access line
12 charges" includes, but is not limited to, the
13 surcharge approved by the federal communications
14 commission and levied pursuant to 47 CFR 69.

15 (d) Gross receipts from sales of
16 telecommunication services or from ancillary
17 services for telecommunications services sold to
18 other telecommunication service providers for
19 resale shall be sourced to this State using the
20 apportionment concepts used for non-resale
21 receipts of telecommunications services if the
22 information is readily available to make that
23 determination. If the information is not readily
24 available, then the taxpayer may use any other
25 reasonable and consistent method.

26 (B-7) For taxable years ending on or after December 31,

1 2008, receipts from the sale of broadcasting services are
2 in this State if the broadcasting services are received in
3 this State. For purposes of this paragraph (B-7), the
4 following terms have the following meanings:

5 "Advertising revenue" means consideration received
6 by the taxpayer in exchange for broadcasting services
7 or allowing the broadcasting of commercials or
8 announcements in connection with the broadcasting of
9 film or radio programming, from sponsorships of the
10 programming, or from product placements in the
11 programming.

12 "Audience factor" means the ratio that the
13 audience or subscribers located in this State of a
14 station, a network, or a cable system bears to the
15 total audience or total subscribers for that station,
16 network, or cable system. The audience factor for film
17 or radio programming shall be determined by reference
18 to the books and records of the taxpayer or by
19 reference to published rating statistics provided the
20 method used by the taxpayer is consistently used from
21 year to year for this purpose and fairly represents the
22 taxpayer's activity in this State.

23 "Broadcast" or "broadcasting" or "broadcasting
24 services" means the transmission or provision of film
25 or radio programming, whether through the public
26 airwaves, by cable, by direct or indirect satellite

1 transmission, or by any other means of communication,
2 either through a station, a network, or a cable system.

3 "Film" or "film programming" means the broadcast
4 on television of any and all performances, events, or
5 productions, including, but not limited to, news,
6 sporting events, plays, stories, or other literary,
7 commercial, educational, or artistic works, either
8 live or through the use of video tape, disc, or any
9 other type of format or medium. Each episode of a
10 series of films produced for television shall
11 constitute separate "film" notwithstanding that the
12 series relates to the same principal subject and is
13 produced during one or more tax periods.

14 "Radio" or "radio programming" means the broadcast
15 on radio of any and all performances, events, or
16 productions, including, but not limited to, news,
17 sporting events, plays, stories, or other literary,
18 commercial, educational, or artistic works, either
19 live or through the use of an audio tape, disc, or any
20 other format or medium. Each episode in a series of
21 radio programming produced for radio broadcast shall
22 constitute a separate "radio programming"
23 notwithstanding that the series relates to the same
24 principal subject and is produced during one or more
25 tax periods.

26 (i) In the case of advertising revenue from

1 broadcasting, the customer is the advertiser and
2 the service is received in this State if the
3 commercial domicile of the advertiser is in this
4 State.

5 (ii) In the case where film or radio
6 programming is broadcast by a station, a network,
7 or a cable system for a fee or other remuneration
8 received from the recipient of the broadcast, the
9 portion of the service that is received in this
10 State is measured by the portion of the recipients
11 of the broadcast located in this State.
12 Accordingly, the fee or other remuneration for
13 such service that is included in the Illinois
14 numerator of the sales factor is the total of those
15 fees or other remuneration received from
16 recipients in Illinois. For purposes of this
17 paragraph, a taxpayer may determine the location
18 of the recipients of its broadcast using the
19 address of the recipient shown in its contracts
20 with the recipient or using the billing address of
21 the recipient in the taxpayer's records.

22 (iii) In the case where film or radio
23 programming is broadcast by a station, a network,
24 or a cable system for a fee or other remuneration
25 from the person providing the programming, the
26 portion of the broadcast service that is received

1 by such station, network, or cable system in this
2 State is measured by the portion of recipients of
3 the broadcast located in this State. Accordingly,
4 the amount of revenue related to such an
5 arrangement that is included in the Illinois
6 numerator of the sales factor is the total fee or
7 other total remuneration from the person providing
8 the programming related to that broadcast
9 multiplied by the Illinois audience factor for
10 that broadcast.

11 (iv) In the case where film or radio
12 programming is provided by a taxpayer that is a
13 network or station to a customer for broadcast in
14 exchange for a fee or other remuneration from that
15 customer the broadcasting service is received at
16 the location of the office of the customer from
17 which the services were ordered in the regular
18 course of the customer's trade or business.
19 Accordingly, in such a case the revenue derived by
20 the taxpayer that is included in the taxpayer's
21 Illinois numerator of the sales factor is the
22 revenue from such customers who receive the
23 broadcasting service in Illinois.

24 (v) In the case where film or radio programming
25 is provided by a taxpayer that is not a network or
26 station to another person for broadcasting in

1 exchange for a fee or other remuneration from that
2 person, the broadcasting service is received at
3 the location of the office of the customer from
4 which the services were ordered in the regular
5 course of the customer's trade or business.
6 Accordingly, in such a case the revenue derived by
7 the taxpayer that is included in the taxpayer's
8 Illinois numerator of the sales factor is the
9 revenue from such customers who receive the
10 broadcasting service in Illinois.

11 (B-8) Gross receipts from winnings under the Illinois
12 Lottery Law from the assignment of a prize under Section
13 13.1 of the Illinois Lottery Law are received in this
14 State. This paragraph (B-8) applies only to taxable years
15 ending on or after December 31, 2013.

16 (B-9) For taxable years ending on or after December 31,
17 2019, gross receipts from winnings from pari-mutuel
18 wagering conducted at a wagering facility licensed under
19 the Illinois Horse Racing Act of 1975 or from winnings from
20 gambling games conducted on a riverboat or in a casino or
21 organization gaming facility licensed under the Illinois
22 Gambling Act are in this State.

23 (C) For taxable years ending before December 31, 2008,
24 sales, other than sales governed by paragraphs (B), (B-1),
25 (B-2), and (B-8) are in this State if:

26 (i) The income-producing activity is performed in

1 this State; or

2 (ii) The income-producing activity is performed
3 both within and without this State and a greater
4 proportion of the income-producing activity is
5 performed within this State than without this State,
6 based on performance costs.

7 (C-5) For taxable years ending on or after December 31,
8 2008, sales, other than sales governed by paragraphs (B),
9 (B-1), (B-2), (B-5), and (B-7), are in this State if any of
10 the following criteria are met:

11 (i) Sales from the sale or lease of real property
12 are in this State if the property is located in this
13 State.

14 (ii) Sales from the lease or rental of tangible
15 personal property are in this State if the property is
16 located in this State during the rental period. Sales
17 from the lease or rental of tangible personal property
18 that is characteristically moving property, including,
19 but not limited to, motor vehicles, rolling stock,
20 aircraft, vessels, or mobile equipment are in this
21 State to the extent that the property is used in this
22 State.

23 (iii) In the case of interest, net gains (but not
24 less than zero) and other items of income from
25 intangible personal property, the sale is in this State
26 if:

1 (a) in the case of a taxpayer who is a dealer
2 in the item of intangible personal property within
3 the meaning of Section 475 of the Internal Revenue
4 Code, the income or gain is received from a
5 customer in this State. For purposes of this
6 subparagraph, a customer is in this State if the
7 customer is an individual, trust or estate who is a
8 resident of this State and, for all other
9 customers, if the customer's commercial domicile
10 is in this State. Unless the dealer has actual
11 knowledge of the residence or commercial domicile
12 of a customer during a taxable year, the customer
13 shall be deemed to be a customer in this State if
14 the billing address of the customer, as shown in
15 the records of the dealer, is in this State; or

16 (b) in all other cases, if the
17 income-producing activity of the taxpayer is
18 performed in this State or, if the
19 income-producing activity of the taxpayer is
20 performed both within and without this State, if a
21 greater proportion of the income-producing
22 activity of the taxpayer is performed within this
23 State than in any other state, based on performance
24 costs.

25 (iv) Sales of services are in this State if the
26 services are received in this State. For the purposes

1 of this section, gross receipts from the performance of
2 services provided to a corporation, partnership, or
3 trust may only be attributed to a state where that
4 corporation, partnership, or trust has a fixed place of
5 business. If the state where the services are received
6 is not readily determinable or is a state where the
7 corporation, partnership, or trust receiving the
8 service does not have a fixed place of business, the
9 services shall be deemed to be received at the location
10 of the office of the customer from which the services
11 were ordered in the regular course of the customer's
12 trade or business. If the ordering office cannot be
13 determined, the services shall be deemed to be received
14 at the office of the customer to which the services are
15 billed. If the taxpayer is not taxable in the state in
16 which the services are received, the sale must be
17 excluded from both the numerator and the denominator of
18 the sales factor. The Department shall adopt rules
19 prescribing where specific types of service are
20 received, including, but not limited to, publishing,
21 and utility service.

22 (D) For taxable years ending on or after December 31,
23 1995, the following items of income shall not be included
24 in the numerator or denominator of the sales factor:
25 dividends; amounts included under Section 78 of the
26 Internal Revenue Code; and Subpart F income as defined in

1 Section 952 of the Internal Revenue Code. No inference
2 shall be drawn from the enactment of this paragraph (D) in
3 construing this Section for taxable years ending before
4 December 31, 1995.

5 (E) Paragraphs (B-1) and (B-2) shall apply to tax years
6 ending on or after December 31, 1999, provided that a
7 taxpayer may elect to apply the provisions of these
8 paragraphs to prior tax years. Such election shall be made
9 in the form and manner prescribed by the Department, shall
10 be irrevocable, and shall apply to all tax years; provided
11 that, if a taxpayer's Illinois income tax liability for any
12 tax year, as assessed under Section 903 prior to January 1,
13 1999, was computed in a manner contrary to the provisions
14 of paragraphs (B-1) or (B-2), no refund shall be payable to
15 the taxpayer for that tax year to the extent such refund is
16 the result of applying the provisions of paragraph (B-1) or
17 (B-2) retroactively. In the case of a unitary business
18 group, such election shall apply to all members of such
19 group for every tax year such group is in existence, but
20 shall not apply to any taxpayer for any period during which
21 that taxpayer is not a member of such group.

22 (b) Insurance companies.

23 (1) In general. Except as otherwise provided by
24 paragraph (2), business income of an insurance company for
25 a taxable year shall be apportioned to this State by
26 multiplying such income by a fraction, the numerator of

1 which is the direct premiums written for insurance upon
2 property or risk in this State, and the denominator of
3 which is the direct premiums written for insurance upon
4 property or risk everywhere. For purposes of this
5 subsection, the term "direct premiums written" means the
6 total amount of direct premiums written, assessments and
7 annuity considerations as reported for the taxable year on
8 the annual statement filed by the company with the Illinois
9 Director of Insurance in the form approved by the National
10 Convention of Insurance Commissioners or such other form as
11 may be prescribed in lieu thereof.

12 (2) Reinsurance. If the principal source of premiums
13 written by an insurance company consists of premiums for
14 reinsurance accepted by it, the business income of such
15 company shall be apportioned to this State by multiplying
16 such income by a fraction, the numerator of which is the
17 sum of (i) direct premiums written for insurance upon
18 property or risk in this State, plus (ii) premiums written
19 for reinsurance accepted in respect of property or risk in
20 this State, and the denominator of which is the sum of
21 (iii) direct premiums written for insurance upon property
22 or risk everywhere, plus (iv) premiums written for
23 reinsurance accepted in respect of property or risk
24 everywhere. For purposes of this paragraph, premiums
25 written for reinsurance accepted in respect of property or
26 risk in this State, whether or not otherwise determinable,

1 may, at the election of the company, be determined on the
2 basis of the proportion which premiums written for
3 reinsurance accepted from companies commercially domiciled
4 in Illinois bears to premiums written for reinsurance
5 accepted from all sources, or, alternatively, in the
6 proportion which the sum of the direct premiums written for
7 insurance upon property or risk in this State by each
8 ceding company from which reinsurance is accepted bears to
9 the sum of the total direct premiums written by each such
10 ceding company for the taxable year. The election made by a
11 company under this paragraph for its first taxable year
12 ending on or after December 31, 2011, shall be binding for
13 that company for that taxable year and for all subsequent
14 taxable years, and may be altered only with the written
15 permission of the Department, which shall not be
16 unreasonably withheld.

17 (c) Financial organizations.

18 (1) In general. For taxable years ending before
19 December 31, 2008, business income of a financial
20 organization shall be apportioned to this State by
21 multiplying such income by a fraction, the numerator of
22 which is its business income from sources within this
23 State, and the denominator of which is its business income
24 from all sources. For the purposes of this subsection, the
25 business income of a financial organization from sources
26 within this State is the sum of the amounts referred to in

1 subparagraphs (A) through (E) following, but excluding the
2 adjusted income of an international banking facility as
3 determined in paragraph (2):

4 (A) Fees, commissions or other compensation for
5 financial services rendered within this State;

6 (B) Gross profits from trading in stocks, bonds or
7 other securities managed within this State;

8 (C) Dividends, and interest from Illinois
9 customers, which are received within this State;

10 (D) Interest charged to customers at places of
11 business maintained within this State for carrying
12 debit balances of margin accounts, without deduction
13 of any costs incurred in carrying such accounts; and

14 (E) Any other gross income resulting from the
15 operation as a financial organization within this
16 State.

17 In computing the amounts referred to in paragraphs (A)
18 through (E) of this subsection, any amount received by a
19 member of an affiliated group (determined under Section
20 1504(a) of the Internal Revenue Code but without reference
21 to whether any such corporation is an "includible
22 corporation" under Section 1504(b) of the Internal Revenue
23 Code) from another member of such group shall be included
24 only to the extent such amount exceeds expenses of the
25 recipient directly related thereto.

26 (2) International Banking Facility. For taxable years

1 ending before December 31, 2008:

2 (A) Adjusted Income. The adjusted income of an
3 international banking facility is its income reduced
4 by the amount of the floor amount.

5 (B) Floor Amount. The floor amount shall be the
6 amount, if any, determined by multiplying the income of
7 the international banking facility by a fraction, not
8 greater than one, which is determined as follows:

9 (i) The numerator shall be:

10 The average aggregate, determined on a
11 quarterly basis, of the financial organization's
12 loans to banks in foreign countries, to foreign
13 domiciled borrowers (except where secured
14 primarily by real estate) and to foreign
15 governments and other foreign official
16 institutions, as reported for its branches,
17 agencies and offices within the state on its
18 "Consolidated Report of Condition", Schedule A,
19 Lines 2.c., 5.b., and 7.a., which was filed with
20 the Federal Deposit Insurance Corporation and
21 other regulatory authorities, for the year 1980,
22 minus

23 The average aggregate, determined on a
24 quarterly basis, of such loans (other than loans of
25 an international banking facility), as reported by
26 the financial institution for its branches,

1 agencies and offices within the state, on the
2 corresponding Schedule and lines of the
3 Consolidated Report of Condition for the current
4 taxable year, provided, however, that in no case
5 shall the amount determined in this clause (the
6 subtrahend) exceed the amount determined in the
7 preceding clause (the minuend); and

8 (ii) the denominator shall be the average
9 aggregate, determined on a quarterly basis, of the
10 international banking facility's loans to banks in
11 foreign countries, to foreign domiciled borrowers
12 (except where secured primarily by real estate)
13 and to foreign governments and other foreign
14 official institutions, which were recorded in its
15 financial accounts for the current taxable year.

16 (C) Change to Consolidated Report of Condition and
17 in Qualification. In the event the Consolidated Report
18 of Condition which is filed with the Federal Deposit
19 Insurance Corporation and other regulatory authorities
20 is altered so that the information required for
21 determining the floor amount is not found on Schedule
22 A, lines 2.c., 5.b. and 7.a., the financial institution
23 shall notify the Department and the Department may, by
24 regulations or otherwise, prescribe or authorize the
25 use of an alternative source for such information. The
26 financial institution shall also notify the Department

1 should its international banking facility fail to
2 qualify as such, in whole or in part, or should there
3 be any amendment or change to the Consolidated Report
4 of Condition, as originally filed, to the extent such
5 amendment or change alters the information used in
6 determining the floor amount.

7 (3) For taxable years ending on or after December 31,
8 2008, the business income of a financial organization shall
9 be apportioned to this State by multiplying such income by
10 a fraction, the numerator of which is its gross receipts
11 from sources in this State or otherwise attributable to
12 this State's marketplace and the denominator of which is
13 its gross receipts everywhere during the taxable year.
14 "Gross receipts" for purposes of this subparagraph (3)
15 means gross income, including net taxable gain on
16 disposition of assets, including securities and money
17 market instruments, when derived from transactions and
18 activities in the regular course of the financial
19 organization's trade or business. The following examples
20 are illustrative:

21 (i) Receipts from the lease or rental of real or
22 tangible personal property are in this State if the
23 property is located in this State during the rental
24 period. Receipts from the lease or rental of tangible
25 personal property that is characteristically moving
26 property, including, but not limited to, motor

1 vehicles, rolling stock, aircraft, vessels, or mobile
2 equipment are from sources in this State to the extent
3 that the property is used in this State.

4 (ii) Interest income, commissions, fees, gains on
5 disposition, and other receipts from assets in the
6 nature of loans that are secured primarily by real
7 estate or tangible personal property are from sources
8 in this State if the security is located in this State.

9 (iii) Interest income, commissions, fees, gains on
10 disposition, and other receipts from consumer loans
11 that are not secured by real or tangible personal
12 property are from sources in this State if the debtor
13 is a resident of this State.

14 (iv) Interest income, commissions, fees, gains on
15 disposition, and other receipts from commercial loans
16 and installment obligations that are not secured by
17 real or tangible personal property are from sources in
18 this State if the proceeds of the loan are to be
19 applied in this State. If it cannot be determined where
20 the funds are to be applied, the income and receipts
21 are from sources in this State if the office of the
22 borrower from which the loan was negotiated in the
23 regular course of business is located in this State. If
24 the location of this office cannot be determined, the
25 income and receipts shall be excluded from the
26 numerator and denominator of the sales factor.

1 (v) Interest income, fees, gains on disposition,
2 service charges, merchant discount income, and other
3 receipts from credit card receivables are from sources
4 in this State if the card charges are regularly billed
5 to a customer in this State.

6 (vi) Receipts from the performance of services,
7 including, but not limited to, fiduciary, advisory,
8 and brokerage services, are in this State if the
9 services are received in this State within the meaning
10 of subparagraph (a) (3) (C-5) (iv) of this Section.

11 (vii) Receipts from the issuance of travelers
12 checks and money orders are from sources in this State
13 if the checks and money orders are issued from a
14 location within this State.

15 (viii) Receipts from investment assets and
16 activities and trading assets and activities are
17 included in the receipts factor as follows:

18 (1) Interest, dividends, net gains (but not
19 less than zero) and other income from investment
20 assets and activities from trading assets and
21 activities shall be included in the receipts
22 factor. Investment assets and activities and
23 trading assets and activities include, but are not
24 limited to: investment securities; trading account
25 assets; federal funds; securities purchased and
26 sold under agreements to resell or repurchase;

1 options; futures contracts; forward contracts;
2 notional principal contracts such as swaps;
3 equities; and foreign currency transactions. With
4 respect to the investment and trading assets and
5 activities described in subparagraphs (A) and (B)
6 of this paragraph, the receipts factor shall
7 include the amounts described in such
8 subparagraphs.

9 (A) The receipts factor shall include the
10 amount by which interest from federal funds
11 sold and securities purchased under resale
12 agreements exceeds interest expense on federal
13 funds purchased and securities sold under
14 repurchase agreements.

15 (B) The receipts factor shall include the
16 amount by which interest, dividends, gains and
17 other income from trading assets and
18 activities, including, but not limited to,
19 assets and activities in the matched book, in
20 the arbitrage book, and foreign currency
21 transactions, exceed amounts paid in lieu of
22 interest, amounts paid in lieu of dividends,
23 and losses from such assets and activities.

24 (2) The numerator of the receipts factor
25 includes interest, dividends, net gains (but not
26 less than zero), and other income from investment

1 assets and activities and from trading assets and
2 activities described in paragraph (1) of this
3 subsection that are attributable to this State.

4 (A) The amount of interest, dividends, net
5 gains (but not less than zero), and other
6 income from investment assets and activities
7 in the investment account to be attributed to
8 this State and included in the numerator is
9 determined by multiplying all such income from
10 such assets and activities by a fraction, the
11 numerator of which is the gross income from
12 such assets and activities which are properly
13 assigned to a fixed place of business of the
14 taxpayer within this State and the denominator
15 of which is the gross income from all such
16 assets and activities.

17 (B) The amount of interest from federal
18 funds sold and purchased and from securities
19 purchased under resale agreements and
20 securities sold under repurchase agreements
21 attributable to this State and included in the
22 numerator is determined by multiplying the
23 amount described in subparagraph (A) of
24 paragraph (1) of this subsection from such
25 funds and such securities by a fraction, the
26 numerator of which is the gross income from

1 such funds and such securities which are
2 properly assigned to a fixed place of business
3 of the taxpayer within this State and the
4 denominator of which is the gross income from
5 all such funds and such securities.

6 (C) The amount of interest, dividends,
7 gains, and other income from trading assets and
8 activities, including, but not limited to,
9 assets and activities in the matched book, in
10 the arbitrage book and foreign currency
11 transactions (but excluding amounts described
12 in subparagraphs (A) or (B) of this paragraph),
13 attributable to this State and included in the
14 numerator is determined by multiplying the
15 amount described in subparagraph (B) of
16 paragraph (1) of this subsection by a fraction,
17 the numerator of which is the gross income from
18 such trading assets and activities which are
19 properly assigned to a fixed place of business
20 of the taxpayer within this State and the
21 denominator of which is the gross income from
22 all such assets and activities.

23 (D) Properly assigned, for purposes of
24 this paragraph (2) of this subsection, means
25 the investment or trading asset or activity is
26 assigned to the fixed place of business with

1 which it has a preponderance of substantive
2 contacts. An investment or trading asset or
3 activity assigned by the taxpayer to a fixed
4 place of business without the State shall be
5 presumed to have been properly assigned if:

6 (i) the taxpayer has assigned, in the
7 regular course of its business, such asset
8 or activity on its records to a fixed place
9 of business consistent with federal or
10 state regulatory requirements;

11 (ii) such assignment on its records is
12 based upon substantive contacts of the
13 asset or activity to such fixed place of
14 business; and

15 (iii) the taxpayer uses such records
16 reflecting assignment of such assets or
17 activities for the filing of all state and
18 local tax returns for which an assignment
19 of such assets or activities to a fixed
20 place of business is required.

21 (E) The presumption of proper assignment
22 of an investment or trading asset or activity
23 provided in subparagraph (D) of paragraph (2)
24 of this subsection may be rebutted upon a
25 showing by the Department, supported by a
26 preponderance of the evidence, that the

1 preponderance of substantive contacts
2 regarding such asset or activity did not occur
3 at the fixed place of business to which it was
4 assigned on the taxpayer's records. If the
5 fixed place of business that has a
6 preponderance of substantive contacts cannot
7 be determined for an investment or trading
8 asset or activity to which the presumption in
9 subparagraph (D) of paragraph (2) of this
10 subsection does not apply or with respect to
11 which that presumption has been rebutted, that
12 asset or activity is properly assigned to the
13 state in which the taxpayer's commercial
14 domicile is located. For purposes of this
15 subparagraph (E), it shall be presumed,
16 subject to rebuttal, that taxpayer's
17 commercial domicile is in the state of the
18 United States or the District of Columbia to
19 which the greatest number of employees are
20 regularly connected with the management of the
21 investment or trading income or out of which
22 they are working, irrespective of where the
23 services of such employees are performed, as of
24 the last day of the taxable year.

25 (4) (Blank).

26 (5) (Blank).

1 (c-1) Federally regulated exchanges. For taxable years
2 ending on or after December 31, 2012, business income of a
3 federally regulated exchange shall, at the option of the
4 federally regulated exchange, be apportioned to this State by
5 multiplying such income by a fraction, the numerator of which
6 is its business income from sources within this State, and the
7 denominator of which is its business income from all sources.
8 For purposes of this subsection, the business income within
9 this State of a federally regulated exchange is the sum of the
10 following:

11 (1) Receipts attributable to transactions executed on
12 a physical trading floor if that physical trading floor is
13 located in this State.

14 (2) Receipts attributable to all other matching,
15 execution, or clearing transactions, including without
16 limitation receipts from the provision of matching,
17 execution, or clearing services to another entity,
18 multiplied by (i) for taxable years ending on or after
19 December 31, 2012 but before December 31, 2013, 63.77%; and
20 (ii) for taxable years ending on or after December 31,
21 2013, 27.54%.

22 (3) All other receipts not governed by subparagraphs
23 (1) or (2) of this subsection (c-1), to the extent the
24 receipts would be characterized as "sales in this State"
25 under item (3) of subsection (a) of this Section.

26 "Federally regulated exchange" means (i) a "registered

1 entity" within the meaning of 7 U.S.C. Section 1a(40) (A), (B),
2 or (C), (ii) an "exchange" or "clearing agency" within the
3 meaning of 15 U.S.C. Section 78c (a) (1) or (23), (iii) any such
4 entities regulated under any successor regulatory structure to
5 the foregoing, and (iv) all taxpayers who are members of the
6 same unitary business group as a federally regulated exchange,
7 determined without regard to the prohibition in Section
8 1501(a) (27) of this Act against including in a unitary business
9 group taxpayers who are ordinarily required to apportion
10 business income under different subsections of this Section;
11 provided that this subparagraph (iv) shall apply only if 50% or
12 more of the business receipts of the unitary business group
13 determined by application of this subparagraph (iv) for the
14 taxable year are attributable to the matching, execution, or
15 clearing of transactions conducted by an entity described in
16 subparagraph (i), (ii), or (iii) of this paragraph.

17 In no event shall the Illinois apportionment percentage
18 computed in accordance with this subsection (c-1) for any
19 taxpayer for any tax year be less than the Illinois
20 apportionment percentage computed under this subsection (c-1)
21 for that taxpayer for the first full tax year ending on or
22 after December 31, 2013 for which this subsection (c-1) applied
23 to the taxpayer.

24 (d) Transportation services. For taxable years ending
25 before December 31, 2008, business income derived from
26 furnishing transportation services shall be apportioned to

1 this State in accordance with paragraphs (1) and (2):

2 (1) Such business income (other than that derived from
3 transportation by pipeline) shall be apportioned to this
4 State by multiplying such income by a fraction, the
5 numerator of which is the revenue miles of the person in
6 this State, and the denominator of which is the revenue
7 miles of the person everywhere. For purposes of this
8 paragraph, a revenue mile is the transportation of 1
9 passenger or 1 net ton of freight the distance of 1 mile
10 for a consideration. Where a person is engaged in the
11 transportation of both passengers and freight, the
12 fraction above referred to shall be determined by means of
13 an average of the passenger revenue mile fraction and the
14 freight revenue mile fraction, weighted to reflect the
15 person's

16 (A) relative railway operating income from total
17 passenger and total freight service, as reported to the
18 Interstate Commerce Commission, in the case of
19 transportation by railroad, and

20 (B) relative gross receipts from passenger and
21 freight transportation, in case of transportation
22 other than by railroad.

23 (2) Such business income derived from transportation
24 by pipeline shall be apportioned to this State by
25 multiplying such income by a fraction, the numerator of
26 which is the revenue miles of the person in this State, and

1 the denominator of which is the revenue miles of the person
2 everywhere. For the purposes of this paragraph, a revenue
3 mile is the transportation by pipeline of 1 barrel of oil,
4 1,000 cubic feet of gas, or of any specified quantity of
5 any other substance, the distance of 1 mile for a
6 consideration.

7 (3) For taxable years ending on or after December 31,
8 2008, business income derived from providing
9 transportation services other than airline services shall
10 be apportioned to this State by using a fraction, (a) the
11 numerator of which shall be (i) all receipts from any
12 movement or shipment of people, goods, mail, oil, gas, or
13 any other substance (other than by airline) that both
14 originates and terminates in this State, plus (ii) that
15 portion of the person's gross receipts from movements or
16 shipments of people, goods, mail, oil, gas, or any other
17 substance (other than by airline) that originates in one
18 state or jurisdiction and terminates in another state or
19 jurisdiction, that is determined by the ratio that the
20 miles traveled in this State bears to total miles
21 everywhere and (b) the denominator of which shall be all
22 revenue derived from the movement or shipment of people,
23 goods, mail, oil, gas, or any other substance (other than
24 by airline). Where a taxpayer is engaged in the
25 transportation of both passengers and freight, the
26 fraction above referred to shall first be determined

1 separately for passenger miles and freight miles. Then an
2 average of the passenger miles fraction and the freight
3 miles fraction shall be weighted to reflect the taxpayer's:

4 (A) relative railway operating income from total
5 passenger and total freight service, as reported to the
6 Surface Transportation Board, in the case of
7 transportation by railroad; and

8 (B) relative gross receipts from passenger and
9 freight transportation, in case of transportation
10 other than by railroad.

11 (4) For taxable years ending on or after December 31,
12 2008, business income derived from furnishing airline
13 transportation services shall be apportioned to this State
14 by multiplying such income by a fraction, the numerator of
15 which is the revenue miles of the person in this State, and
16 the denominator of which is the revenue miles of the person
17 everywhere. For purposes of this paragraph, a revenue mile
18 is the transportation of one passenger or one net ton of
19 freight the distance of one mile for a consideration. If a
20 person is engaged in the transportation of both passengers
21 and freight, the fraction above referred to shall be
22 determined by means of an average of the passenger revenue
23 mile fraction and the freight revenue mile fraction,
24 weighted to reflect the person's relative gross receipts
25 from passenger and freight airline transportation.

26 (e) Combined apportionment. Where 2 or more persons are

1 engaged in a unitary business as described in subsection
2 (a) (27) of Section 1501, a part of which is conducted in this
3 State by one or more members of the group, the business income
4 attributable to this State by any such member or members shall
5 be apportioned by means of the combined apportionment method.

6 (f) Alternative allocation. If the allocation and
7 apportionment provisions of subsections (a) through (e) and of
8 subsection (h) do not, for taxable years ending before December
9 31, 2008, fairly represent the extent of a person's business
10 activity in this State, or, for taxable years ending on or
11 after December 31, 2008, fairly represent the market for the
12 person's goods, services, or other sources of business income,
13 the person may petition for, or the Director may, without a
14 petition, permit or require, in respect of all or any part of
15 the person's business activity, if reasonable:

16 (1) Separate accounting;

17 (2) The exclusion of any one or more factors;

18 (3) The inclusion of one or more additional factors
19 which will fairly represent the person's business
20 activities or market in this State; or

21 (4) The employment of any other method to effectuate an
22 equitable allocation and apportionment of the person's
23 business income.

24 (g) Cross reference. For allocation of business income by
25 residents, see Section 301(a).

26 (h) For tax years ending on or after December 31, 1998, the

1 apportionment factor of persons who apportion their business
2 income to this State under subsection (a) shall be equal to:

3 (1) for tax years ending on or after December 31, 1998
4 and before December 31, 1999, 16 2/3% of the property
5 factor plus 16 2/3% of the payroll factor plus 66 2/3% of
6 the sales factor;

7 (2) for tax years ending on or after December 31, 1999
8 and before December 31, 2000, 8 1/3% of the property factor
9 plus 8 1/3% of the payroll factor plus 83 1/3% of the sales
10 factor;

11 (3) for tax years ending on or after December 31, 2000,
12 the sales factor.

13 If, in any tax year ending on or after December 31, 1998 and
14 before December 31, 2000, the denominator of the payroll,
15 property, or sales factor is zero, the apportionment factor
16 computed in paragraph (1) or (2) of this subsection for that
17 year shall be divided by an amount equal to 100% minus the
18 percentage weight given to each factor whose denominator is
19 equal to zero.

20 (Source: P.A. 100-201, eff. 8-18-17; 101-31, eff. 6-28-19;
21 101-585, eff. 8-26-19; revised 9-12-19.)

22 (35 ILCS 5/701) (from Ch. 120, par. 7-701)

23 Sec. 701. Requirement and amount of withholding.

24 (a) In General. Every employer maintaining an office or
25 transacting business within this State and required under the

1 provisions of the Internal Revenue Code to withhold a tax on:

2 (1) compensation paid in this State (as determined
3 under Section 304(a)(2)(B)) to an individual; or

4 (2) payments described in subsection (b) shall deduct
5 and withhold from such compensation for each payroll period
6 (as defined in Section 3401 of the Internal Revenue Code)
7 an amount equal to the amount by which such individual's
8 compensation exceeds the proportionate part of this
9 withholding exemption (computed as provided in Section
10 702) attributable to the payroll period for which such
11 compensation is payable multiplied by a percentage equal to
12 the percentage tax rate for individuals provided in
13 subsection (b) of Section 201.

14 (a-5) Withholding from nonresident employees. For taxable
15 years beginning on or after January 1, 2020, for purposes of
16 determining compensation paid in this State under paragraph (B)
17 of item (2) of subsection (a) of Section 304:

18 (1) If an employer maintains a time and attendance
19 system that tracks where employees perform services on a
20 daily basis, then data from the time and attendance system
21 shall be used. For purposes of this paragraph, time and
22 attendance system means a system:

23 (A) in which the employee is required, on a
24 contemporaneous basis, to record the work location for
25 every day worked outside of the State where the
26 employment duties are primarily performed; and

1 (B) that is designed to allow the employer to
2 allocate the employee's wages for income tax purposes
3 among all states in which the employee performs
4 services.

5 (2) In all other cases, the employer shall obtain a
6 written statement from the employee of the number of days
7 reasonably expected to be spent performing services in this
8 State during the taxable year. Absent the employer's actual
9 knowledge of fraud or gross negligence by the employee in
10 making the determination or collusion between the employer
11 and the employee to evade tax, the certification so made by
12 the employee and maintained in the employer's books and
13 records shall be prima facie evidence and constitute a
14 rebuttable presumption of the number of days spent
15 performing services in this State.

16 (b) Payment to Residents. Any payment (including
17 compensation, but not including a payment from which
18 withholding is required under Section 710 of this Act) to a
19 resident by a payor maintaining an office or transacting
20 business within this State (including any agency, officer, or
21 employee of this State or of any political subdivision of this
22 State) and on which withholding of tax is required under the
23 provisions of the Internal Revenue Code shall be deemed to be
24 compensation paid in this State by an employer to an employee
25 for the purposes of Article 7 and Section 601(b)(1) to the
26 extent such payment is included in the recipient's base income

1 and not subjected to withholding by another state.
2 Notwithstanding any other provision to the contrary, no amount
3 shall be withheld from unemployment insurance benefit payments
4 made to an individual pursuant to the Unemployment Insurance
5 Act unless the individual has voluntarily elected the
6 withholding pursuant to rules promulgated by the Director of
7 Employment Security.

8 (c) Special Definitions. Withholding shall be considered
9 required under the provisions of the Internal Revenue Code to
10 the extent the Internal Revenue Code either requires
11 withholding or allows for voluntary withholding the payor and
12 recipient have entered into such a voluntary withholding
13 agreement. For the purposes of Article 7 and Section 1002(c)
14 the term "employer" includes any payor who is required to
15 withhold tax pursuant to this Section.

16 (d) Reciprocal Exemption. The Director may enter into an
17 agreement with the taxing authorities of any state which
18 imposes a tax on or measured by income to provide that
19 compensation paid in such state to residents of this State
20 shall be exempt from withholding of such tax; in such case, any
21 compensation paid in this State to residents of such state
22 shall be exempt from withholding. All reciprocal agreements
23 shall be subject to the requirements of Section 2505-575 of the
24 Department of Revenue Law (20 ILCS 2505/2505-575).

25 (e) Notwithstanding subsection (a)(2) of this Section, no
26 withholding is required on payments for which withholding is

1 required under Section 3405 or 3406 of the Internal Revenue
2 Code.

3 (Source: P.A. 101-585, eff. 8-26-19; revised 11-26-19.)

4 (35 ILCS 5/901)

5 (Text of Section before amendment by P.A. 101-8)

6 Sec. 901. Collection authority.

7 (a) In general. The Department shall collect the taxes
8 imposed by this Act. The Department shall collect certified
9 past due child support amounts under Section 2505-650 of the
10 Department of Revenue Law of the Civil Administrative Code of
11 Illinois. Except as provided in subsections (b), (c), (e), (f),
12 (g), and (h) of this Section, money collected pursuant to
13 subsections (a) and (b) of Section 201 of this Act shall be
14 paid into the General Revenue Fund in the State treasury; money
15 collected pursuant to subsections (c) and (d) of Section 201 of
16 this Act shall be paid into the Personal Property Tax
17 Replacement Fund, a special fund in the State Treasury; and
18 money collected under Section 2505-650 of the Department of
19 Revenue Law of the Civil Administrative Code of Illinois shall
20 be paid into the Child Support Enforcement Trust Fund, a
21 special fund outside the State Treasury, or to the State
22 Disbursement Unit established under Section 10-26 of the
23 Illinois Public Aid Code, as directed by the Department of
24 Healthcare and Family Services.

25 (b) Local Government Distributive Fund. Beginning August

1 1, 2017, the Treasurer shall transfer each month from the
2 General Revenue Fund to the Local Government Distributive Fund
3 an amount equal to the sum of (i) 6.06% (10% of the ratio of the
4 3% individual income tax rate prior to 2011 to the 4.95%
5 individual income tax rate after July 1, 2017) of the net
6 revenue realized from the tax imposed by subsections (a) and
7 (b) of Section 201 of this Act upon individuals, trusts, and
8 estates during the preceding month and (ii) 6.85% (10% of the
9 ratio of the 4.8% corporate income tax rate prior to 2011 to
10 the 7% corporate income tax rate after July 1, 2017) of the net
11 revenue realized from the tax imposed by subsections (a) and
12 (b) of Section 201 of this Act upon corporations during the
13 preceding month. Net revenue realized for a month shall be
14 defined as the revenue from the tax imposed by subsections (a)
15 and (b) of Section 201 of this Act which is deposited in the
16 General Revenue Fund, the Education Assistance Fund, the Income
17 Tax Surcharge Local Government Distributive Fund, the Fund for
18 the Advancement of Education, and the Commitment to Human
19 Services Fund during the month minus the amount paid out of the
20 General Revenue Fund in State warrants during that same month
21 as refunds to taxpayers for overpayment of liability under the
22 tax imposed by subsections (a) and (b) of Section 201 of this
23 Act.

24 Notwithstanding any provision of law to the contrary,
25 beginning on July 6, 2017 (the effective date of Public Act
26 100-23), those amounts required under this subsection (b) to be

1 transferred by the Treasurer into the Local Government
2 Distributive Fund from the General Revenue Fund shall be
3 directly deposited into the Local Government Distributive Fund
4 as the revenue is realized from the tax imposed by subsections
5 (a) and (b) of Section 201 of this Act.

6 For State fiscal year 2020 only, notwithstanding any
7 provision of law to the contrary, the total amount of revenue
8 and deposits under this Section attributable to revenues
9 realized during State fiscal year 2020 shall be reduced by 5%.

10 (c) Deposits Into Income Tax Refund Fund.

11 (1) Beginning on January 1, 1989 and thereafter, the
12 Department shall deposit a percentage of the amounts
13 collected pursuant to subsections (a) and (b) (1), (2), and
14 (3) of Section 201 of this Act into a fund in the State
15 treasury known as the Income Tax Refund Fund. Beginning
16 with State fiscal year 1990 and for each fiscal year
17 thereafter, the percentage deposited into the Income Tax
18 Refund Fund during a fiscal year shall be the Annual
19 Percentage. For fiscal year 2011, the Annual Percentage
20 shall be 8.75%. For fiscal year 2012, the Annual Percentage
21 shall be 8.75%. For fiscal year 2013, the Annual Percentage
22 shall be 9.75%. For fiscal year 2014, the Annual Percentage
23 shall be 9.5%. For fiscal year 2015, the Annual Percentage
24 shall be 10%. For fiscal year 2018, the Annual Percentage
25 shall be 9.8%. For fiscal year 2019, the Annual Percentage
26 shall be 9.7%. For fiscal year 2020, the Annual Percentage

1 shall be 9.5%. For all other fiscal years, the Annual
2 Percentage shall be calculated as a fraction, the numerator
3 of which shall be the amount of refunds approved for
4 payment by the Department during the preceding fiscal year
5 as a result of overpayment of tax liability under
6 subsections (a) and (b) (1), (2), and (3) of Section 201 of
7 this Act plus the amount of such refunds remaining approved
8 but unpaid at the end of the preceding fiscal year, minus
9 the amounts transferred into the Income Tax Refund Fund
10 from the Tobacco Settlement Recovery Fund, and the
11 denominator of which shall be the amounts which will be
12 collected pursuant to subsections (a) and (b) (1), (2), and
13 (3) of Section 201 of this Act during the preceding fiscal
14 year; except that in State fiscal year 2002, the Annual
15 Percentage shall in no event exceed 7.6%. The Director of
16 Revenue shall certify the Annual Percentage to the
17 Comptroller on the last business day of the fiscal year
18 immediately preceding the fiscal year for which it is to be
19 effective.

20 (2) Beginning on January 1, 1989 and thereafter, the
21 Department shall deposit a percentage of the amounts
22 collected pursuant to subsections (a) and (b) (6), (7), and
23 (8), (c) and (d) of Section 201 of this Act into a fund in
24 the State treasury known as the Income Tax Refund Fund.
25 Beginning with State fiscal year 1990 and for each fiscal
26 year thereafter, the percentage deposited into the Income

1 Tax Refund Fund during a fiscal year shall be the Annual
2 Percentage. For fiscal year 2011, the Annual Percentage
3 shall be 17.5%. For fiscal year 2012, the Annual Percentage
4 shall be 17.5%. For fiscal year 2013, the Annual Percentage
5 shall be 14%. For fiscal year 2014, the Annual Percentage
6 shall be 13.4%. For fiscal year 2015, the Annual Percentage
7 shall be 14%. For fiscal year 2018, the Annual Percentage
8 shall be 17.5%. For fiscal year 2019, the Annual Percentage
9 shall be 15.5%. For fiscal year 2020, the Annual Percentage
10 shall be 14.25%. For all other fiscal years, the Annual
11 Percentage shall be calculated as a fraction, the numerator
12 of which shall be the amount of refunds approved for
13 payment by the Department during the preceding fiscal year
14 as a result of overpayment of tax liability under
15 subsections (a) and (b) (6), (7), and (8), (c) and (d) of
16 Section 201 of this Act plus the amount of such refunds
17 remaining approved but unpaid at the end of the preceding
18 fiscal year, and the denominator of which shall be the
19 amounts which will be collected pursuant to subsections (a)
20 and (b) (6), (7), and (8), (c) and (d) of Section 201 of
21 this Act during the preceding fiscal year; except that in
22 State fiscal year 2002, the Annual Percentage shall in no
23 event exceed 23%. The Director of Revenue shall certify the
24 Annual Percentage to the Comptroller on the last business
25 day of the fiscal year immediately preceding the fiscal
26 year for which it is to be effective.

1 (3) The Comptroller shall order transferred and the
2 Treasurer shall transfer from the Tobacco Settlement
3 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
4 in January, 2001, (ii) \$35,000,000 in January, 2002, and
5 (iii) \$35,000,000 in January, 2003.

6 (d) Expenditures from Income Tax Refund Fund.

7 (1) Beginning January 1, 1989, money in the Income Tax
8 Refund Fund shall be expended exclusively for the purpose
9 of paying refunds resulting from overpayment of tax
10 liability under Section 201 of this Act and for making
11 transfers pursuant to this subsection (d).

12 (2) The Director shall order payment of refunds
13 resulting from overpayment of tax liability under Section
14 201 of this Act from the Income Tax Refund Fund only to the
15 extent that amounts collected pursuant to Section 201 of
16 this Act and transfers pursuant to this subsection (d) and
17 item (3) of subsection (c) have been deposited and retained
18 in the Fund.

19 (3) As soon as possible after the end of each fiscal
20 year, the Director shall order transferred and the State
21 Treasurer and State Comptroller shall transfer from the
22 Income Tax Refund Fund to the Personal Property Tax
23 Replacement Fund an amount, certified by the Director to
24 the Comptroller, equal to the excess of the amount
25 collected pursuant to subsections (c) and (d) of Section
26 201 of this Act deposited into the Income Tax Refund Fund

1 during the fiscal year over the amount of refunds resulting
2 from overpayment of tax liability under subsections (c) and
3 (d) of Section 201 of this Act paid from the Income Tax
4 Refund Fund during the fiscal year.

5 (4) As soon as possible after the end of each fiscal
6 year, the Director shall order transferred and the State
7 Treasurer and State Comptroller shall transfer from the
8 Personal Property Tax Replacement Fund to the Income Tax
9 Refund Fund an amount, certified by the Director to the
10 Comptroller, equal to the excess of the amount of refunds
11 resulting from overpayment of tax liability under
12 subsections (c) and (d) of Section 201 of this Act paid
13 from the Income Tax Refund Fund during the fiscal year over
14 the amount collected pursuant to subsections (c) and (d) of
15 Section 201 of this Act deposited into the Income Tax
16 Refund Fund during the fiscal year.

17 (4.5) As soon as possible after the end of fiscal year
18 1999 and of each fiscal year thereafter, the Director shall
19 order transferred and the State Treasurer and State
20 Comptroller shall transfer from the Income Tax Refund Fund
21 to the General Revenue Fund any surplus remaining in the
22 Income Tax Refund Fund as of the end of such fiscal year;
23 excluding for fiscal years 2000, 2001, and 2002 amounts
24 attributable to transfers under item (3) of subsection (c)
25 less refunds resulting from the earned income tax credit.

26 (5) This Act shall constitute an irrevocable and

1 continuing appropriation from the Income Tax Refund Fund
2 for the purpose of paying refunds upon the order of the
3 Director in accordance with the provisions of this Section.

4 (e) Deposits into the Education Assistance Fund and the
5 Income Tax Surcharge Local Government Distributive Fund. On
6 July 1, 1991, and thereafter, of the amounts collected pursuant
7 to subsections (a) and (b) of Section 201 of this Act, minus
8 deposits into the Income Tax Refund Fund, the Department shall
9 deposit 7.3% into the Education Assistance Fund in the State
10 Treasury. Beginning July 1, 1991, and continuing through
11 January 31, 1993, of the amounts collected pursuant to
12 subsections (a) and (b) of Section 201 of the Illinois Income
13 Tax Act, minus deposits into the Income Tax Refund Fund, the
14 Department shall deposit 3.0% into the Income Tax Surcharge
15 Local Government Distributive Fund in the State Treasury.
16 Beginning February 1, 1993 and continuing through June 30,
17 1993, of the amounts collected pursuant to subsections (a) and
18 (b) of Section 201 of the Illinois Income Tax Act, minus
19 deposits into the Income Tax Refund Fund, the Department shall
20 deposit 4.4% into the Income Tax Surcharge Local Government
21 Distributive Fund in the State Treasury. Beginning July 1,
22 1993, and continuing through June 30, 1994, of the amounts
23 collected under subsections (a) and (b) of Section 201 of this
24 Act, minus deposits into the Income Tax Refund Fund, the
25 Department shall deposit 1.475% into the Income Tax Surcharge
26 Local Government Distributive Fund in the State Treasury.

1 (f) Deposits into the Fund for the Advancement of
2 Education. Beginning February 1, 2015, the Department shall
3 deposit the following portions of the revenue realized from the
4 tax imposed upon individuals, trusts, and estates by
5 subsections (a) and (b) of Section 201 of this Act, minus
6 deposits into the Income Tax Refund Fund, into the Fund for the
7 Advancement of Education:

8 (1) beginning February 1, 2015, and prior to February
9 1, 2025, 1/30; and

10 (2) beginning February 1, 2025, 1/26.

11 If the rate of tax imposed by subsection (a) and (b) of
12 Section 201 is reduced pursuant to Section 201.5 of this Act,
13 the Department shall not make the deposits required by this
14 subsection (f) on or after the effective date of the reduction.

15 (g) Deposits into the Commitment to Human Services Fund.
16 Beginning February 1, 2015, the Department shall deposit the
17 following portions of the revenue realized from the tax imposed
18 upon individuals, trusts, and estates by subsections (a) and
19 (b) of Section 201 of this Act, minus deposits into the Income
20 Tax Refund Fund, into the Commitment to Human Services Fund:

21 (1) beginning February 1, 2015, and prior to February
22 1, 2025, 1/30; and

23 (2) beginning February 1, 2025, 1/26.

24 If the rate of tax imposed by subsection (a) and (b) of
25 Section 201 is reduced pursuant to Section 201.5 of this Act,
26 the Department shall not make the deposits required by this

1 subsection (g) on or after the effective date of the reduction.

2 (h) Deposits into the Tax Compliance and Administration
3 Fund. Beginning on the first day of the first calendar month to
4 occur on or after August 26, 2014 (the effective date of Public
5 Act 98-1098), each month the Department shall pay into the Tax
6 Compliance and Administration Fund, to be used, subject to
7 appropriation, to fund additional auditors and compliance
8 personnel at the Department, an amount equal to 1/12 of 5% of
9 the cash receipts collected during the preceding fiscal year by
10 the Audit Bureau of the Department from the tax imposed by
11 subsections (a), (b), (c), and (d) of Section 201 of this Act,
12 net of deposits into the Income Tax Refund Fund made from those
13 cash receipts.

14 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;
15 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
16 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81,
17 eff. 7-12-19.)

18 (Text of Section after amendment by P.A. 101-8)

19 Sec. 901. Collection authority.

20 (a) In general. The Department shall collect the taxes
21 imposed by this Act. The Department shall collect certified
22 past due child support amounts under Section 2505-650 of the
23 Department of Revenue Law of the Civil Administrative Code of
24 Illinois. Except as provided in subsections (b), (c), (e), (f),
25 (g), and (h) of this Section, money collected pursuant to

1 subsections (a) and (b) of Section 201 of this Act shall be
2 paid into the General Revenue Fund in the State treasury; money
3 collected pursuant to subsections (c) and (d) of Section 201 of
4 this Act shall be paid into the Personal Property Tax
5 Replacement Fund, a special fund in the State Treasury; and
6 money collected under Section 2505-650 of the Department of
7 Revenue Law of the Civil Administrative Code of Illinois shall
8 be paid into the Child Support Enforcement Trust Fund, a
9 special fund outside the State Treasury, or to the State
10 Disbursement Unit established under Section 10-26 of the
11 Illinois Public Aid Code, as directed by the Department of
12 Healthcare and Family Services.

13 (b) Local Government Distributive Fund. Beginning August
14 1, 2017 and continuing through January 31, 2021, the Treasurer
15 shall transfer each month from the General Revenue Fund to the
16 Local Government Distributive Fund an amount equal to the sum
17 of (i) 6.06% (10% of the ratio of the 3% individual income tax
18 rate prior to 2011 to the 4.95% individual income tax rate
19 after July 1, 2017) of the net revenue realized from the tax
20 imposed by subsections (a) and (b) of Section 201 of this Act
21 upon individuals, trusts, and estates during the preceding
22 month and (ii) 6.85% (10% of the ratio of the 4.8% corporate
23 income tax rate prior to 2011 to the 7% corporate income tax
24 rate after July 1, 2017) of the net revenue realized from the
25 tax imposed by subsections (a) and (b) of Section 201 of this
26 Act upon corporations during the preceding month. Beginning

1 February 1, 2021, the Treasurer shall transfer each month from
2 the General Revenue Fund to the Local Government Distributive
3 Fund an amount equal to the sum of (i) 5.32% of the net revenue
4 realized from the tax imposed by subsections (a) and (b) of
5 Section 201 of this Act upon individuals, trusts, and estates
6 during the preceding month and (ii) 6.16% of the net revenue
7 realized from the tax imposed by subsections (a) and (b) of
8 Section 201 of this Act upon corporations during the preceding
9 month. Net revenue realized for a month shall be defined as the
10 revenue from the tax imposed by subsections (a) and (b) of
11 Section 201 of this Act which is deposited in the General
12 Revenue Fund, the Education Assistance Fund, the Income Tax
13 Surcharge Local Government Distributive Fund, the Fund for the
14 Advancement of Education, and the Commitment to Human Services
15 Fund during the month minus the amount paid out of the General
16 Revenue Fund in State warrants during that same month as
17 refunds to taxpayers for overpayment of liability under the tax
18 imposed by subsections (a) and (b) of Section 201 of this Act.

19 Notwithstanding any provision of law to the contrary,
20 beginning on July 6, 2017 (the effective date of Public Act
21 100-23), those amounts required under this subsection (b) to be
22 transferred by the Treasurer into the Local Government
23 Distributive Fund from the General Revenue Fund shall be
24 directly deposited into the Local Government Distributive Fund
25 as the revenue is realized from the tax imposed by subsections
26 (a) and (b) of Section 201 of this Act.

1 For State fiscal year 2020 only, notwithstanding any
2 provision of law to the contrary, the total amount of revenue
3 and deposits under this Section attributable to revenues
4 realized during State fiscal year 2020 shall be reduced by 5%.

5 (c) Deposits Into Income Tax Refund Fund.

6 (1) Beginning on January 1, 1989 and thereafter, the
7 Department shall deposit a percentage of the amounts
8 collected pursuant to subsections (a) and (b) (1), (2), and
9 (3) of Section 201 of this Act into a fund in the State
10 treasury known as the Income Tax Refund Fund. Beginning
11 with State fiscal year 1990 and for each fiscal year
12 thereafter, the percentage deposited into the Income Tax
13 Refund Fund during a fiscal year shall be the Annual
14 Percentage. For fiscal year 2011, the Annual Percentage
15 shall be 8.75%. For fiscal year 2012, the Annual Percentage
16 shall be 8.75%. For fiscal year 2013, the Annual Percentage
17 shall be 9.75%. For fiscal year 2014, the Annual Percentage
18 shall be 9.5%. For fiscal year 2015, the Annual Percentage
19 shall be 10%. For fiscal year 2018, the Annual Percentage
20 shall be 9.8%. For fiscal year 2019, the Annual Percentage
21 shall be 9.7%. For fiscal year 2020, the Annual Percentage
22 shall be 9.5%. For all other fiscal years, the Annual
23 Percentage shall be calculated as a fraction, the numerator
24 of which shall be the amount of refunds approved for
25 payment by the Department during the preceding fiscal year
26 as a result of overpayment of tax liability under

1 subsections (a) and (b) (1), (2), and (3) of Section 201 of
2 this Act plus the amount of such refunds remaining approved
3 but unpaid at the end of the preceding fiscal year, minus
4 the amounts transferred into the Income Tax Refund Fund
5 from the Tobacco Settlement Recovery Fund, and the
6 denominator of which shall be the amounts which will be
7 collected pursuant to subsections (a) and (b) (1), (2), and
8 (3) of Section 201 of this Act during the preceding fiscal
9 year; except that in State fiscal year 2002, the Annual
10 Percentage shall in no event exceed 7.6%. The Director of
11 Revenue shall certify the Annual Percentage to the
12 Comptroller on the last business day of the fiscal year
13 immediately preceding the fiscal year for which it is to be
14 effective.

15 (2) Beginning on January 1, 1989 and thereafter, the
16 Department shall deposit a percentage of the amounts
17 collected pursuant to subsections (a) and (b) (6), (7), and
18 (8), (c) and (d) of Section 201 of this Act into a fund in
19 the State treasury known as the Income Tax Refund Fund.
20 Beginning with State fiscal year 1990 and for each fiscal
21 year thereafter, the percentage deposited into the Income
22 Tax Refund Fund during a fiscal year shall be the Annual
23 Percentage. For fiscal year 2011, the Annual Percentage
24 shall be 17.5%. For fiscal year 2012, the Annual Percentage
25 shall be 17.5%. For fiscal year 2013, the Annual Percentage
26 shall be 14%. For fiscal year 2014, the Annual Percentage

1 shall be 13.4%. For fiscal year 2015, the Annual Percentage
2 shall be 14%. For fiscal year 2018, the Annual Percentage
3 shall be 17.5%. For fiscal year 2019, the Annual Percentage
4 shall be 15.5%. For fiscal year 2020, the Annual Percentage
5 shall be 14.25%. For all other fiscal years, the Annual
6 Percentage shall be calculated as a fraction, the numerator
7 of which shall be the amount of refunds approved for
8 payment by the Department during the preceding fiscal year
9 as a result of overpayment of tax liability under
10 subsections (a) and (b) (6), (7), and (8), (c) and (d) of
11 Section 201 of this Act plus the amount of such refunds
12 remaining approved but unpaid at the end of the preceding
13 fiscal year, and the denominator of which shall be the
14 amounts which will be collected pursuant to subsections (a)
15 and (b) (6), (7), and (8), (c) and (d) of Section 201 of
16 this Act during the preceding fiscal year; except that in
17 State fiscal year 2002, the Annual Percentage shall in no
18 event exceed 23%. The Director of Revenue shall certify the
19 Annual Percentage to the Comptroller on the last business
20 day of the fiscal year immediately preceding the fiscal
21 year for which it is to be effective.

22 (3) The Comptroller shall order transferred and the
23 Treasurer shall transfer from the Tobacco Settlement
24 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
25 in January, 2001, (ii) \$35,000,000 in January, 2002, and
26 (iii) \$35,000,000 in January, 2003.

1 (d) Expenditures from Income Tax Refund Fund.

2 (1) Beginning January 1, 1989, money in the Income Tax
3 Refund Fund shall be expended exclusively for the purpose
4 of paying refunds resulting from overpayment of tax
5 liability under Section 201 of this Act and for making
6 transfers pursuant to this subsection (d).

7 (2) The Director shall order payment of refunds
8 resulting from overpayment of tax liability under Section
9 201 of this Act from the Income Tax Refund Fund only to the
10 extent that amounts collected pursuant to Section 201 of
11 this Act and transfers pursuant to this subsection (d) and
12 item (3) of subsection (c) have been deposited and retained
13 in the Fund.

14 (3) As soon as possible after the end of each fiscal
15 year, the Director shall order transferred and the State
16 Treasurer and State Comptroller shall transfer from the
17 Income Tax Refund Fund to the Personal Property Tax
18 Replacement Fund an amount, certified by the Director to
19 the Comptroller, equal to the excess of the amount
20 collected pursuant to subsections (c) and (d) of Section
21 201 of this Act deposited into the Income Tax Refund Fund
22 during the fiscal year over the amount of refunds resulting
23 from overpayment of tax liability under subsections (c) and
24 (d) of Section 201 of this Act paid from the Income Tax
25 Refund Fund during the fiscal year.

26 (4) As soon as possible after the end of each fiscal

1 year, the Director shall order transferred and the State
2 Treasurer and State Comptroller shall transfer from the
3 Personal Property Tax Replacement Fund to the Income Tax
4 Refund Fund an amount, certified by the Director to the
5 Comptroller, equal to the excess of the amount of refunds
6 resulting from overpayment of tax liability under
7 subsections (c) and (d) of Section 201 of this Act paid
8 from the Income Tax Refund Fund during the fiscal year over
9 the amount collected pursuant to subsections (c) and (d) of
10 Section 201 of this Act deposited into the Income Tax
11 Refund Fund during the fiscal year.

12 (4.5) As soon as possible after the end of fiscal year
13 1999 and of each fiscal year thereafter, the Director shall
14 order transferred and the State Treasurer and State
15 Comptroller shall transfer from the Income Tax Refund Fund
16 to the General Revenue Fund any surplus remaining in the
17 Income Tax Refund Fund as of the end of such fiscal year;
18 excluding for fiscal years 2000, 2001, and 2002 amounts
19 attributable to transfers under item (3) of subsection (c)
20 less refunds resulting from the earned income tax credit.

21 (5) This Act shall constitute an irrevocable and
22 continuing appropriation from the Income Tax Refund Fund
23 for the purpose of paying refunds upon the order of the
24 Director in accordance with the provisions of this Section.

25 (e) Deposits into the Education Assistance Fund and the
26 Income Tax Surcharge Local Government Distributive Fund. On

1 July 1, 1991, and thereafter, of the amounts collected pursuant
2 to subsections (a) and (b) of Section 201 of this Act, minus
3 deposits into the Income Tax Refund Fund, the Department shall
4 deposit 7.3% into the Education Assistance Fund in the State
5 Treasury. Beginning July 1, 1991, and continuing through
6 January 31, 1993, of the amounts collected pursuant to
7 subsections (a) and (b) of Section 201 of the Illinois Income
8 Tax Act, minus deposits into the Income Tax Refund Fund, the
9 Department shall deposit 3.0% into the Income Tax Surcharge
10 Local Government Distributive Fund in the State Treasury.
11 Beginning February 1, 1993 and continuing through June 30,
12 1993, of the amounts collected pursuant to subsections (a) and
13 (b) of Section 201 of the Illinois Income Tax Act, minus
14 deposits into the Income Tax Refund Fund, the Department shall
15 deposit 4.4% into the Income Tax Surcharge Local Government
16 Distributive Fund in the State Treasury. Beginning July 1,
17 1993, and continuing through June 30, 1994, of the amounts
18 collected under subsections (a) and (b) of Section 201 of this
19 Act, minus deposits into the Income Tax Refund Fund, the
20 Department shall deposit 1.475% into the Income Tax Surcharge
21 Local Government Distributive Fund in the State Treasury.

22 (f) Deposits into the Fund for the Advancement of
23 Education. Beginning February 1, 2015, the Department shall
24 deposit the following portions of the revenue realized from the
25 tax imposed upon individuals, trusts, and estates by
26 subsections (a) and (b) of Section 201 of this Act, minus

1 deposits into the Income Tax Refund Fund, into the Fund for the
2 Advancement of Education:

3 (1) beginning February 1, 2015, and prior to February
4 1, 2025, 1/30; and

5 (2) beginning February 1, 2025, 1/26.

6 If the rate of tax imposed by subsection (a) and (b) of
7 Section 201 is reduced pursuant to Section 201.5 of this Act,
8 the Department shall not make the deposits required by this
9 subsection (f) on or after the effective date of the reduction.

10 (g) Deposits into the Commitment to Human Services Fund.
11 Beginning February 1, 2015, the Department shall deposit the
12 following portions of the revenue realized from the tax imposed
13 upon individuals, trusts, and estates by subsections (a) and
14 (b) of Section 201 of this Act, minus deposits into the Income
15 Tax Refund Fund, into the Commitment to Human Services Fund:

16 (1) beginning February 1, 2015, and prior to February
17 1, 2025, 1/30; and

18 (2) beginning February 1, 2025, 1/26.

19 If the rate of tax imposed by subsection (a) and (b) of
20 Section 201 is reduced pursuant to Section 201.5 of this Act,
21 the Department shall not make the deposits required by this
22 subsection (g) on or after the effective date of the reduction.

23 (h) Deposits into the Tax Compliance and Administration
24 Fund. Beginning on the first day of the first calendar month to
25 occur on or after August 26, 2014 (the effective date of Public
26 Act 98-1098), each month the Department shall pay into the Tax

1 Compliance and Administration Fund, to be used, subject to
2 appropriation, to fund additional auditors and compliance
3 personnel at the Department, an amount equal to 1/12 of 5% of
4 the cash receipts collected during the preceding fiscal year by
5 the Audit Bureau of the Department from the tax imposed by
6 subsections (a), (b), (c), and (d) of Section 201 of this Act,
7 net of deposits into the Income Tax Refund Fund made from those
8 cash receipts.

9 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;
10 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
11 8-14-18; 100-1171, eff. 1-4-19; 101-8, see Section 99 for
12 effective date; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
13 revised 10-1-19.)

14 Section 185. The Economic Development for a Growing Economy
15 Tax Credit Act is amended by changing Sections 5-51 and 5-56 as
16 follows:

17 (35 ILCS 10/5-51)

18 Sec. 5-51. New Construction EDGE Agreement.

19 (a) Notwithstanding any other provisions of this Act, and
20 in addition to any Credit otherwise allowed under this Act,
21 beginning on January 1, 2021, there is allowed a New
22 Construction EDGE Credit for eligible Applicants that meet the
23 following criteria:

24 (1) the Department has certified that the Applicant

1 meets all requirements of Sections 5-15, 5-20, and 5-25;
2 and

3 (2) the Department has certified that, pursuant to
4 Section 5-20, the Applicant's Agreement includes a capital
5 investment of at least \$10,000,000 in a New Construction
6 EDGE Project to be placed in service within the State as a
7 direct result of an Agreement entered into pursuant to this
8 Section.

9 (b) The Department shall notify each Applicant during the
10 application process that its ~~their~~ project is eligible for a
11 New Construction EDGE Credit. The Department shall create a
12 separate application to be filled out by the Applicant
13 regarding the New Construction EDGE credit. The Application
14 shall include the following:

15 (1) a detailed description of the New Construction EDGE
16 Project that is subject to the New Construction EDGE
17 Agreement, including the location and amount of the
18 investment and jobs created or retained;

19 (2) the duration of the New Construction EDGE Credit
20 and the first taxable year for which the Credit may be
21 claimed;

22 (3) the New Construction EDGE Credit amount that will
23 be allowed for each taxable year;

24 (4) a requirement that the Director is authorized to
25 verify with the appropriate State agencies the amount of
26 the incremental income tax withheld by a Taxpayer, and

1 after doing so, shall issue a certificate to the Taxpayer
2 stating that the amounts have been verified;

3 (5) the amount of the capital investment, which may at
4 no point be less than \$10,000,000, the time period of
5 placing the New Construction EDGE Project in service, and
6 the designated location in Illinois for the investment;

7 (6) a requirement that the Taxpayer shall provide
8 written notification to the Director not more than 30 days
9 after the Taxpayer determines that the capital investment
10 of at least \$10,000,000 is not or will not be achieved or
11 maintained as set forth in the terms and conditions of the
12 Agreement;

13 (7) a detailed provision that the Taxpayer shall be
14 awarded a New Construction EDGE Credit upon the verified
15 completion and occupancy of a New Construction EDGE
16 Project; and

17 (8) any other performance conditions, including the
18 ability to verify that a New Construction EDGE Project is
19 built and completed, or that contract provisions as the
20 Department determines are appropriate.

21 (c) The Department shall post on its website the terms of
22 each New Construction EDGE Agreement entered into under this
23 Act on or after June 5, 2019 (the effective date of Public Act
24 101-9) ~~this amendatory Act of the 101st General Assembly~~. Such
25 information shall be posted within 10 days after entering into
26 the Agreement and must include the following:

- 1 (1) the name of the recipient business;
- 2 (2) the location of the project;
- 3 (3) the estimated value of the credit; and
- 4 (4) whether or not the project is located in an
- 5 underserved area.

6 (d) The Department, in collaboration with the Department of
7 Labor, shall require that certified payroll reporting,
8 pursuant to Section 5-56 of this Act, be completed in order to
9 verify the wages and any other necessary information which the
10 Department may deem necessary to ascertain and certify the
11 total number of New Construction EDGE Employees subject to a
12 New Construction EDGE Agreement and amount of a New
13 Construction EDGE Credit.

14 (e) The total aggregate amount of credits awarded under the
15 Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~
16 ~~amendatory Act of the 101st General Assembly~~) shall not exceed
17 \$20,000,000 in any State fiscal year.

18 (Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

19 (35 ILCS 10/5-56)

20 Sec. 5-56. Certified payroll. ~~(a)~~ Each contractor and
21 subcontractor that is engaged in and is executing a New
22 Construction EDGE Project for a Taxpayer, pursuant to a New
23 Construction EDGE Agreement shall:

- 24 (1) make and keep, for a period of 5 years from the
25 date of the last payment made on or after June 5, 2019 (the

1 effective date of Public Act 101-9) ~~this amendatory Act of~~
2 ~~the 101st General Assembly~~ on a contract or subcontract for
3 a New Construction EDGE Project pursuant to a New
4 Construction EDGE Agreement, records of all laborers and
5 other workers employed by the contractor or subcontractor
6 on the project; the records shall include:

7 (A) the worker's name;

8 (B) the worker's address;

9 (C) the worker's telephone number, if available;

10 (D) the worker's social security number;

11 (E) the worker's classification or
12 classifications;

13 (F) the worker's gross and net wages paid in each
14 pay period;

15 (G) the worker's number of hours worked each day;

16 (H) the worker's starting and ending times of work
17 each day;

18 (I) the worker's hourly wage rate; and

19 (J) the worker's hourly overtime wage rate; and

20 (2) no later than the 15th day of each calendar month,
21 provide a certified payroll for the immediately preceding
22 month to the taxpayer in charge of the project; within 5
23 business days after receiving the certified payroll, the
24 taxpayer shall file the certified payroll with the
25 Department of Labor and the Department of Commerce and
26 Economic Opportunity; a certified payroll must be filed for

1 only those calendar months during which construction on a
2 New Construction EDGE Project has occurred; the certified
3 payroll shall consist of a complete copy of the records
4 identified in paragraph (1), but may exclude the starting
5 and ending times of work each day; the certified payroll
6 shall be accompanied by a statement signed by the
7 contractor or subcontractor or an officer, employee, or
8 agent of the contractor or subcontractor which avers that:

9 (A) he or she has examined the certified payroll
10 records required to be submitted by the Act and such
11 records are true and accurate; and

12 (B) the contractor or subcontractor is aware that
13 filing a certified payroll that he or she knows to be
14 false is a Class A misdemeanor.

15 A general contractor is not prohibited from relying on a
16 certified payroll of a lower-tier subcontractor, provided the
17 general contractor does not knowingly rely upon a
18 subcontractor's false certification.

19 Any contractor or subcontractor subject to this Section,
20 and any officer, employee, or agent of such contractor or
21 subcontractor whose duty as an officer, employee, or agent it
22 is to file a certified payroll under this Section, who
23 willfully fails to file such a certified payroll on or before
24 the date such certified payroll is required to be filed and any
25 person who willfully files a false certified payroll that is
26 false as to any material fact is in violation of this Act and

1 guilty of a Class A misdemeanor.

2 The taxpayer in charge of the project shall keep the
3 records submitted in accordance with this Section ~~subsection~~ on
4 or after June 5, 2019 (the effective date of Public Act 101-9)
5 ~~this amendatory Act of the 101st General Assembly~~ for a period
6 of 5 years from the date of the last payment for work on a
7 contract or subcontract for the project.

8 The records submitted in accordance with this Section
9 ~~subsection~~ shall be considered public records, except an
10 employee's address, telephone number, and social security
11 number, and made available in accordance with the Freedom of
12 Information Act. The Department of Labor shall accept any
13 reasonable submissions by the contractor that meet the
14 requirements of this Section ~~subsection~~ and shall share the
15 information with the Department in order to comply with the
16 awarding of New Construction EDGE Credits. A contractor,
17 subcontractor, or public body may retain records required under
18 this Section in paper or electronic format.

19 Upon 7 business days' notice, the contractor and each
20 subcontractor shall make available for inspection and copying
21 at a location within this State during reasonable hours, the
22 records identified in paragraph (1) of this Section ~~subsection~~
23 to the taxpayer in charge of the project, its officers and
24 agents, the Director of Labor and his or her deputies and
25 agents, and to federal, State, or local law enforcement
26 agencies and prosecutors.

1 (Source: P.A. 101-9, eff. 6-5-19; revised 8-22-19.)

2 Section 190. The Film Production Services Tax Credit Act of
3 2008 is amended by changing Section 10 as follows:

4 (35 ILCS 16/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Accredited production" means: (i) for productions
7 commencing before May 1, 2006, a film, video, or television
8 production that has been certified by the Department in which
9 the aggregate Illinois labor expenditures included in the cost
10 of the production, in the period that ends 12 months after the
11 time principal filming or taping of the production began,
12 exceed \$100,000 for productions of 30 minutes or longer, or
13 \$50,000 for productions of less than 30 minutes; and (ii) for
14 productions commencing on or after May 1, 2006, a film, video,
15 or television production that has been certified by the
16 Department in which the Illinois production spending included
17 in the cost of production in the period that ends 12 months
18 after the time principal filming or taping of the production
19 began exceeds \$100,000 for productions of 30 minutes or longer
20 or exceeds \$50,000 for productions of less than 30 minutes.

21 "Accredited production" does not include a production that:

22 (1) is news, current events, or public programming, or
23 a program that includes weather or market reports;

24 (2) is a talk show;

1 (3) is a production in respect of a game,
2 questionnaire, or contest;

3 (4) is a sports event or activity;

4 (5) is a gala presentation or awards show;

5 (6) is a finished production that solicits funds;

6 (7) is a production produced by a film production
7 company if records, as required by 18 U.S.C. 2257, are to
8 be maintained by that film production company with respect
9 to any performer portrayed in that single media or
10 multimedia program; or

11 (8) is a production produced primarily for industrial,
12 corporate, or institutional purposes.

13 "Accredited animated production" means an accredited
14 production in which movement and characters' performances are
15 created using a frame-by-frame technique and a significant
16 number of major characters are animated. Motion capture by
17 itself is not an animation technique.

18 "Accredited production certificate" means a certificate
19 issued by the Department certifying that the production is an
20 accredited production that meets the guidelines of this Act.

21 "Applicant" means a taxpayer that is a film production
22 company that is operating or has operated an accredited
23 production located within the State of Illinois and that (i)
24 owns the copyright in the accredited production throughout the
25 Illinois production period or (ii) has contracted directly with
26 the owner of the copyright in the accredited production or a

1 person acting on behalf of the owner to provide services for
2 the production, where the owner of the copyright is not an
3 eligible production corporation.

4 "Credit" means:

5 (1) for an accredited production approved by the
6 Department on or before January 1, 2005 and commencing
7 before May 1, 2006, the amount equal to 25% of the Illinois
8 labor expenditure approved by the Department. The
9 applicant is deemed to have paid, on its balance due day
10 for the year, an amount equal to 25% of its qualified
11 Illinois labor expenditure for the tax year. For Illinois
12 labor expenditures generated by the employment of
13 residents of geographic areas of high poverty or high
14 unemployment, as determined by the Department, in an
15 accredited production commencing before May 1, 2006 and
16 approved by the Department after January 1, 2005, the
17 applicant shall receive an enhanced credit of 10% in
18 addition to the 25% credit; and

19 (2) for an accredited production commencing on or after
20 May 1, 2006, the amount equal to:

21 (i) 20% of the Illinois production spending for the
22 taxable year; plus

23 (ii) 15% of the Illinois labor expenditures
24 generated by the employment of residents of geographic
25 areas of high poverty or high unemployment, as
26 determined by the Department; and

1 (3) for an accredited production commencing on or after
2 January 1, 2009, the amount equal to:

3 (i) 30% of the Illinois production spending for the
4 taxable year; plus

5 (ii) 15% of the Illinois labor expenditures
6 generated by the employment of residents of geographic
7 areas of high poverty or high unemployment, as
8 determined by the Department.

9 "Department" means the Department of Commerce and Economic
10 Opportunity.

11 "Director" means the Director of Commerce and Economic
12 Opportunity.

13 "Illinois labor expenditure" means salary or wages paid to
14 employees of the applicant for services on the accredited
15 production.

16 To qualify as an Illinois labor expenditure, the
17 expenditure must be:

18 (1) Reasonable in the circumstances.

19 (2) Included in the federal income tax basis of the
20 property.

21 (3) Incurred by the applicant for services on or after
22 January 1, 2004.

23 (4) Incurred for the production stages of the
24 accredited production, from the final script stage to the
25 end of the post-production stage.

26 (5) Limited to the first \$25,000 of wages paid or

1 incurred to each employee of a production commencing before
2 May 1, 2006 and the first \$100,000 of wages paid or
3 incurred to each employee of a production commencing on or
4 after May 1, 2006.

5 (6) For a production commencing before May 1, 2006,
6 exclusive of the salary or wages paid to or incurred for
7 the 2 highest paid employees of the production.

8 (7) Directly attributable to the accredited
9 production.

10 (8) (Blank).

11 (9) Paid to persons resident in Illinois at the time
12 the payments were made.

13 (10) Paid for services rendered in Illinois.

14 "Illinois production spending" means the expenses incurred
15 by the applicant for an accredited production, including,
16 without limitation, all of the following:

17 (1) expenses to purchase, from vendors within
18 Illinois, tangible personal property that is used in the
19 accredited production;

20 (2) expenses to acquire services, from vendors in
21 Illinois, for film production, editing, or processing; and

22 (3) the compensation, not to exceed \$100,000 for any
23 one employee, for contractual or salaried employees who are
24 Illinois residents performing services with respect to the
25 accredited production.

26 "Qualified production facility" means stage facilities in

1 the State in which television shows and films are or are
2 intended to be regularly produced and that contain at least one
3 sound stage of at least 15,000 square feet.

4 Rulemaking authority to implement Public Act 95-1006 ~~this~~
5 ~~amendatory Act of the 95th General Assembly~~, if any, is
6 conditioned on the rules being adopted in accordance with all
7 provisions of the Illinois Administrative Procedure Act and all
8 rules and procedures of the Joint Committee on Administrative
9 Rules; any purported rule not so adopted, for whatever reason,
10 is unauthorized.

11 (Source: P.A. 97-796, eff. 7-13-12; revised 7-18-19.)

12 Section 200. The Service Occupation Tax Act is amended by
13 changing Section 2d as follows:

14 (35 ILCS 115/2d)

15 Sec. 2d. Motor vehicles; trailers; use as rolling stock
16 definition.

17 (a) (Blank).

18 (b) (Blank).

19 (c) This subsection (c) applies to motor vehicles, other
20 than limousines, purchased through June 30, 2017. For motor
21 vehicles, other than limousines, purchased on or after July 1,
22 2017, subsection (d-5) applies. This subsection (c) applies to
23 limousines purchased before, on, or after July 1, 2017. "Use as
24 rolling stock moving in interstate commerce" in paragraph (d-1)

1 of the definition of "sale of service" in Section 2 occurs for
2 motor vehicles, as defined in Section 1-146 of the Illinois
3 Vehicle Code, when during a 12-month period the rolling stock
4 has carried persons or property for hire in interstate commerce
5 for greater than 50% of its total trips for that period or for
6 greater than 50% of its total miles for that period. The person
7 claiming the exemption shall make an election at the time of
8 purchase to use either the trips or mileage method. Persons who
9 purchased motor vehicles prior to July 1, 2004 shall make an
10 election to use either the trips or mileage method and document
11 that election in their books and records. If no election is
12 made under this subsection to use the trips or mileage method,
13 the person shall be deemed to have chosen the mileage method.

14 For purposes of determining qualifying trips or miles,
15 motor vehicles that carry persons or property for hire, even
16 just between points in Illinois, will be considered used for
17 hire in interstate commerce if the motor vehicle transports
18 persons whose journeys or property whose shipments originate or
19 terminate outside Illinois. The exemption for motor vehicles
20 used as rolling stock moving in interstate commerce may be
21 claimed only for the following vehicles: (i) motor vehicles
22 whose gross vehicle weight rating exceeds 16,000 pounds; and
23 (ii) limousines, as defined in Section 1-139.1 of the Illinois
24 Vehicle Code. Through June 30, 2017, this definition applies to
25 all property purchased for the purpose of being attached to
26 those motor vehicles as a part thereof. On and after July 1,

1 2017, this definition applies to property purchased for the
2 purpose of being attached to limousines as a part thereof.

3 (d) For purchases made through June 30, 2017, "use as
4 rolling stock moving in interstate commerce" in paragraph (d-1)
5 of the definition of "sale of service" in Section 2 occurs for
6 trailers, as defined in Section 1-209 of the Illinois Vehicle
7 Code, semitrailers as defined in Section 1-187 of the Illinois
8 Vehicle Code, and pole trailers as defined in Section 1-161 of
9 the Illinois Vehicle Code, when during a 12-month period the
10 rolling stock has carried persons or property for hire in
11 interstate commerce for greater than 50% of its total trips for
12 that period or for greater than 50% of its total miles for that
13 period. The person claiming the exemption for a trailer or
14 trailers that will not be dedicated to a motor vehicle or group
15 of motor vehicles shall make an election at the time of
16 purchase to use either the trips or mileage method. Persons who
17 purchased trailers prior to July 1, 2004 that are not dedicated
18 to a motor vehicle or group of motor vehicles shall make an
19 election to use either the trips or mileage method and document
20 that election in their books and records. If no election is
21 made under this subsection to use the trips or mileage method,
22 the person shall be deemed to have chosen the mileage method.

23 For purposes of determining qualifying trips or miles,
24 trailers, semitrailers, or pole trailers that carry property
25 for hire, even just between points in Illinois, will be
26 considered used for hire in interstate commerce if the

1 trailers, semitrailers, or pole trailers transport property
2 whose shipments originate or terminate outside Illinois. This
3 definition applies to all property purchased for the purpose of
4 being attached to those trailers, semitrailers, or pole
5 trailers as a part thereof. In lieu of a person providing
6 documentation regarding the qualifying use of each individual
7 trailer, semitrailer, or pole trailer, that person may document
8 such qualifying use by providing documentation of the
9 following:

10 (1) If a trailer, semitrailer, or pole trailer is
11 dedicated to a motor vehicle that qualifies as rolling
12 stock moving in interstate commerce under subsection (c) of
13 this Section, then that trailer, semitrailer, or pole
14 trailer qualifies as rolling stock moving in interstate
15 commerce under this subsection.

16 (2) If a trailer, semitrailer, or pole trailer is
17 dedicated to a group of motor vehicles that all qualify as
18 rolling stock moving in interstate commerce under
19 subsection (c) of this Section, then that trailer,
20 semitrailer, or pole trailer qualifies as rolling stock
21 moving in interstate commerce under this subsection.

22 (3) If one or more trailers, semitrailers, or pole
23 trailers are dedicated to a group of motor vehicles and not
24 all of those motor vehicles in that group qualify as
25 rolling stock moving in interstate commerce under
26 subsection (c) of this Section, then the percentage of

1 those trailers, semitrailers, or pole trailers that
2 qualifies as rolling stock moving in interstate commerce
3 under this subsection is equal to the percentage of those
4 motor vehicles in that group that qualify as rolling stock
5 moving in interstate commerce under subsection (c) of this
6 Section to which those trailers, semitrailers, or pole
7 trailers are dedicated. However, to determine the
8 qualification for the exemption provided under this item
9 (3), the mathematical application of the qualifying
10 percentage to one or more trailers, semitrailers, or pole
11 trailers under this subpart shall not be allowed as to any
12 fraction of a trailer, semitrailer, or pole trailer.

13 (d-5) For motor vehicles and trailers purchased on or after
14 July 1, 2017, "use as rolling stock moving in interstate
15 commerce" means that:

16 (1) the motor vehicle or trailer is used to transport
17 persons or property for hire;

18 (2) for purposes of the exemption under paragraph (d-1)
19 of the definition of "sale of service" in Section 2, the
20 purchaser who is an owner, lessor, or shipper claiming the
21 exemption certifies that the motor vehicle or trailer will
22 be utilized, from the time of purchase and continuing
23 through the statute of limitations for issuing a notice of
24 tax liability under this Act, by an interstate carrier or
25 carriers for hire who hold, and are required by Federal
26 Motor Carrier Safety Administration regulations to hold,

1 an active USDOT Number with the Carrier Operation listed as
2 "Interstate" and the Operation Classification listed as
3 "authorized for hire", "exempt for hire", or both
4 "authorized for hire" and "exempt for hire"; except that
5 this paragraph (2) does not apply to a motor vehicle or
6 trailer used at an airport to support the operation of an
7 aircraft moving in interstate commerce, as long as (i) in
8 the case of a motor vehicle, the motor vehicle meets
9 paragraphs (1) and (3) of this subsection (d-5) or (ii) in
10 the case of a trailer, the trailer meets paragraph (1) of
11 this subsection (d-5); and

12 (3) for motor vehicles, the gross vehicle weight rating
13 exceeds 16,000 pounds.

14 The definition of "use as rolling stock moving in
15 interstate commerce" in this subsection (d-5) applies to all
16 property purchased on or after July 1, 2017 for the purpose of
17 being attached to a motor vehicle or trailer as a part thereof,
18 regardless of whether the motor vehicle or trailer was
19 purchased before, on, or after July 1, 2017.

20 If an item ceases to meet requirements (1) through (3)
21 under this subsection (d-5), then the tax is imposed on the
22 selling price, allowing for a reasonable depreciation for the
23 period during which the item qualified for the exemption.

24 For purposes of this subsection (d-5):

25 "Motor vehicle" excludes limousines, but otherwise
26 means that term as defined in Section 1-146 of the Illinois

1 Vehicle Code.

2 "Trailer" means (i) "trailer", as defined in Section
3 1-209 of the Illinois Vehicle Code, (ii) "semitrailer", as
4 defined in Section 1-187 of the Illinois Vehicle Code, and
5 (iii) "pole trailer", as defined in Section 1-161 of the
6 Illinois Vehicle Code.

7 (e) For aircraft and watercraft purchased on or after
8 January 1, 2014, "use as rolling stock moving in interstate
9 commerce" in paragraph (d-1) of the definition of "sale of
10 service" in Section 2 occurs when, during a 12-month period,
11 the rolling stock has carried persons or property for hire in
12 interstate commerce for greater than 50% of its total trips for
13 that period or for greater than 50% of its total miles for that
14 period. The person claiming the exemption shall make an
15 election at the time of purchase to use either the trips or
16 mileage method and document that election in their books and
17 records. If no election is made under this subsection to use
18 the trips or mileage method, the person shall be deemed to have
19 chosen the mileage method. For aircraft, flight hours may be
20 used in lieu of recording miles in determining whether the
21 aircraft meets the mileage test in this subsection. For
22 watercraft, nautical miles or trip hours may be used in lieu of
23 recording miles in determining whether the watercraft meets the
24 mileage test in this subsection.

25 Notwithstanding any other provision of law to the contrary,
26 property purchased on or after January 1, 2014 for the purpose

1 of being attached to aircraft or watercraft as a part thereof
2 qualifies as rolling stock moving in interstate commerce only
3 if the aircraft or watercraft to which it will be attached
4 qualifies as rolling stock moving in interstate commerce under
5 the test set forth in this subsection (e), regardless of when
6 the aircraft or watercraft was purchased. Persons who purchased
7 aircraft or watercraft prior to January 1, 2014 shall make an
8 election to use either the trips or mileage method and document
9 that election in their books and records for the purpose of
10 determining whether property purchased on or after January 1,
11 2014 for the purpose of being attached to aircraft or
12 watercraft as a part thereof qualifies as rolling stock moving
13 in interstate commerce under this subsection (e).

14 (f) The election to use either the trips or mileage method
15 made under the provisions of subsections (c), (d), or (e) of
16 this Section will remain in effect for the duration of the
17 purchaser's ownership of that item.

18 (Source: P.A. 100-321, eff. 8-24-17; revised 7-24-19.)

19 Section 205. The Property Tax Code is amended by changing
20 Sections 3-5, 18-185, and 18-246 as follows:

21 (35 ILCS 200/3-5)

22 Sec. 3-5. Supervisor of assessments. In counties with less
23 than 3,000,000 inhabitants and in which no county assessor has
24 been elected under Section 3-45, there shall be a county

1 supervisor of assessments, either appointed as provided in this
2 Section, or elected.

3 In counties with less than 3,000,000 inhabitants and not
4 having an elected county assessor or an elected supervisor of
5 assessments, the office of supervisor of assessments shall be
6 filled by appointment by the presiding officer of the county
7 board with the advice and consent of the county board.

8 To be eligible for appointment or to be eligible to file
9 nomination papers or participate as a candidate in any primary
10 or general election for, or be elected to, the office of
11 supervisor of assessments, or to enter upon the duties of the
12 office, a person must possess one of the following
13 qualifications as certified by the Department to the county
14 clerk:

15 (1) A currently active Certified Illinois Assessing
16 Officer designation from the Illinois Property Assessment
17 Institute.

18 (2) A currently active AAS, CAE, or MAS designation
19 from the International Association of Assessing Officers.

20 (3) A currently active MAI, SREA, SRPA, SRA, or RM
21 designation from the Appraisal Institute.

22 ~~(4) (blank).~~

23 In addition, a person must have had at least 2 years'
24 experience in the field of property sales, assessments, finance
25 or appraisals and must have passed an examination conducted by
26 the Department to determine his or her competence to hold the

1 office. The examination may be conducted by the Department at a
2 convenient location in the county or region. Notice of the time
3 and place shall be given by publication in a newspaper of
4 general circulation in the counties, at least one week prior to
5 the exam. The Department shall certify to the county board a
6 list of the names and scores of persons who pass the
7 examination. The Department may provide by rule the maximum
8 time that the name of a person who has passed the examination
9 will be included on a list of persons eligible for appointment
10 or election. The term of office shall be 4 years from the date
11 of appointment and until a successor is appointed and
12 qualified, or a successor is elected and qualified under
13 Section 3-52.

14 (Source: P.A. 101-150, eff. 7-26-19; 101-467, eff. 8-23-19;
15 revised 9-19-19.)

16 (35 ILCS 200/18-185)

17 Sec. 18-185. Short title; definitions. This Division 5 may
18 be cited as the Property Tax Extension Limitation Law. As used
19 in this Division 5:

20 "Consumer Price Index" means the Consumer Price Index for
21 All Urban Consumers for all items published by the United
22 States Department of Labor.

23 "Extension limitation" means (a) the lesser of 5% or the
24 percentage increase in the Consumer Price Index during the
25 12-month calendar year preceding the levy year or (b) the rate

1 of increase approved by voters under Section 18-205.

2 "Affected county" means a county of 3,000,000 or more
3 inhabitants or a county contiguous to a county of 3,000,000 or
4 more inhabitants.

5 "Taxing district" has the same meaning provided in Section
6 1-150, except as otherwise provided in this Section. For the
7 1991 through 1994 levy years only, "taxing district" includes
8 only each non-home rule taxing district having the majority of
9 its 1990 equalized assessed value within any county or counties
10 contiguous to a county with 3,000,000 or more inhabitants.
11 Beginning with the 1995 levy year, "taxing district" includes
12 only each non-home rule taxing district subject to this Law
13 before the 1995 levy year and each non-home rule taxing
14 district not subject to this Law before the 1995 levy year
15 having the majority of its 1994 equalized assessed value in an
16 affected county or counties. Beginning with the levy year in
17 which this Law becomes applicable to a taxing district as
18 provided in Section 18-213, "taxing district" also includes
19 those taxing districts made subject to this Law as provided in
20 Section 18-213.

21 "Aggregate extension" for taxing districts to which this
22 Law applied before the 1995 levy year means the annual
23 corporate extension for the taxing district and those special
24 purpose extensions that are made annually for the taxing
25 district, excluding special purpose extensions: (a) made for
26 the taxing district to pay interest or principal on general

1 obligation bonds that were approved by referendum; (b) made for
2 any taxing district to pay interest or principal on general
3 obligation bonds issued before October 1, 1991; (c) made for
4 any taxing district to pay interest or principal on bonds
5 issued to refund or continue to refund those bonds issued
6 before October 1, 1991; (d) made for any taxing district to pay
7 interest or principal on bonds issued to refund or continue to
8 refund bonds issued after October 1, 1991 that were approved by
9 referendum; (e) made for any taxing district to pay interest or
10 principal on revenue bonds issued before October 1, 1991 for
11 payment of which a property tax levy or the full faith and
12 credit of the unit of local government is pledged; however, a
13 tax for the payment of interest or principal on those bonds
14 shall be made only after the governing body of the unit of
15 local government finds that all other sources for payment are
16 insufficient to make those payments; (f) made for payments
17 under a building commission lease when the lease payments are
18 for the retirement of bonds issued by the commission before
19 October 1, 1991, to pay for the building project; (g) made for
20 payments due under installment contracts entered into before
21 October 1, 1991; (h) made for payments of principal and
22 interest on bonds issued under the Metropolitan Water
23 Reclamation District Act to finance construction projects
24 initiated before October 1, 1991; (i) made for payments of
25 principal and interest on limited bonds, as defined in Section
26 3 of the Local Government Debt Reform Act, in an amount not to

1 exceed the debt service extension base less the amount in items
2 (b), (c), (e), and (h) of this definition for non-referendum
3 obligations, except obligations initially issued pursuant to
4 referendum; (j) made for payments of principal and interest on
5 bonds issued under Section 15 of the Local Government Debt
6 Reform Act; (k) made by a school district that participates in
7 the Special Education District of Lake County, created by
8 special education joint agreement under Section 10-22.31 of the
9 School Code, for payment of the school district's share of the
10 amounts required to be contributed by the Special Education
11 District of Lake County to the Illinois Municipal Retirement
12 Fund under Article 7 of the Illinois Pension Code; the amount
13 of any extension under this item (k) shall be certified by the
14 school district to the county clerk; (l) made to fund expenses
15 of providing joint recreational programs for persons with
16 disabilities under Section 5-8 of the Park District Code or
17 Section 11-95-14 of the Illinois Municipal Code; (m) made for
18 temporary relocation loan repayment purposes pursuant to
19 Sections 2-3.77 and 17-2.2d of the School Code; (n) made for
20 payment of principal and interest on any bonds issued under the
21 authority of Section 17-2.2d of the School Code; (o) made for
22 contributions to a firefighter's pension fund created under
23 Article 4 of the Illinois Pension Code, to the extent of the
24 amount certified under item (5) of Section 4-134 of the
25 Illinois Pension Code; and (p) made for road purposes in the
26 first year after a township assumes the rights, powers, duties,

1 assets, property, liabilities, obligations, and
2 responsibilities of a road district abolished under the
3 provisions of Section 6-133 of the Illinois Highway Code.

4 "Aggregate extension" for the taxing districts to which
5 this Law did not apply before the 1995 levy year (except taxing
6 districts subject to this Law in accordance with Section
7 18-213) means the annual corporate extension for the taxing
8 district and those special purpose extensions that are made
9 annually for the taxing district, excluding special purpose
10 extensions: (a) made for the taxing district to pay interest or
11 principal on general obligation bonds that were approved by
12 referendum; (b) made for any taxing district to pay interest or
13 principal on general obligation bonds issued before March 1,
14 1995; (c) made for any taxing district to pay interest or
15 principal on bonds issued to refund or continue to refund those
16 bonds issued before March 1, 1995; (d) made for any taxing
17 district to pay interest or principal on bonds issued to refund
18 or continue to refund bonds issued after March 1, 1995 that
19 were approved by referendum; (e) made for any taxing district
20 to pay interest or principal on revenue bonds issued before
21 March 1, 1995 for payment of which a property tax levy or the
22 full faith and credit of the unit of local government is
23 pledged; however, a tax for the payment of interest or
24 principal on those bonds shall be made only after the governing
25 body of the unit of local government finds that all other
26 sources for payment are insufficient to make those payments;

1 (f) made for payments under a building commission lease when
2 the lease payments are for the retirement of bonds issued by
3 the commission before March 1, 1995 to pay for the building
4 project; (g) made for payments due under installment contracts
5 entered into before March 1, 1995; (h) made for payments of
6 principal and interest on bonds issued under the Metropolitan
7 Water Reclamation District Act to finance construction
8 projects initiated before October 1, 1991; (h-4) made for
9 stormwater management purposes by the Metropolitan Water
10 Reclamation District of Greater Chicago under Section 12 of the
11 Metropolitan Water Reclamation District Act; (i) made for
12 payments of principal and interest on limited bonds, as defined
13 in Section 3 of the Local Government Debt Reform Act, in an
14 amount not to exceed the debt service extension base less the
15 amount in items (b), (c), and (e) of this definition for
16 non-referendum obligations, except obligations initially
17 issued pursuant to referendum and bonds described in subsection
18 (h) of this definition; (j) made for payments of principal and
19 interest on bonds issued under Section 15 of the Local
20 Government Debt Reform Act; (k) made for payments of principal
21 and interest on bonds authorized by Public Act 88-503 and
22 issued under Section 20a of the Chicago Park District Act for
23 aquarium or museum projects; (l) made for payments of principal
24 and interest on bonds authorized by Public Act 87-1191 or
25 93-601 and (i) issued pursuant to Section 21.2 of the Cook
26 County Forest Preserve District Act, (ii) issued under Section

1 42 of the Cook County Forest Preserve District Act for
2 zoological park projects, or (iii) issued under Section 44.1 of
3 the Cook County Forest Preserve District Act for botanical
4 gardens projects; (m) made pursuant to Section 34-53.5 of the
5 School Code, whether levied annually or not; (n) made to fund
6 expenses of providing joint recreational programs for persons
7 with disabilities under Section 5-8 of the Park District Code
8 or Section 11-95-14 of the Illinois Municipal Code; (o) made by
9 the Chicago Park District for recreational programs for persons
10 with disabilities under subsection (c) of Section 7.06 of the
11 Chicago Park District Act; (p) made for contributions to a
12 firefighter's pension fund created under Article 4 of the
13 Illinois Pension Code, to the extent of the amount certified
14 under item (5) of Section 4-134 of the Illinois Pension Code;
15 (q) made by Ford Heights School District 169 under Section
16 17-9.02 of the School Code; and (r) made for the purpose of
17 making employer contributions to the Public School Teachers'
18 Pension and Retirement Fund of Chicago under Section 34-53 of
19 the School Code.

20 "Aggregate extension" for all taxing districts to which
21 this Law applies in accordance with Section 18-213, except for
22 those taxing districts subject to paragraph (2) of subsection
23 (e) of Section 18-213, means the annual corporate extension for
24 the taxing district and those special purpose extensions that
25 are made annually for the taxing district, excluding special
26 purpose extensions: (a) made for the taxing district to pay

1 interest or principal on general obligation bonds that were
2 approved by referendum; (b) made for any taxing district to pay
3 interest or principal on general obligation bonds issued before
4 the date on which the referendum making this Law applicable to
5 the taxing district is held; (c) made for any taxing district
6 to pay interest or principal on bonds issued to refund or
7 continue to refund those bonds issued before the date on which
8 the referendum making this Law applicable to the taxing
9 district is held; (d) made for any taxing district to pay
10 interest or principal on bonds issued to refund or continue to
11 refund bonds issued after the date on which the referendum
12 making this Law applicable to the taxing district is held if
13 the bonds were approved by referendum after the date on which
14 the referendum making this Law applicable to the taxing
15 district is held; (e) made for any taxing district to pay
16 interest or principal on revenue bonds issued before the date
17 on which the referendum making this Law applicable to the
18 taxing district is held for payment of which a property tax
19 levy or the full faith and credit of the unit of local
20 government is pledged; however, a tax for the payment of
21 interest or principal on those bonds shall be made only after
22 the governing body of the unit of local government finds that
23 all other sources for payment are insufficient to make those
24 payments; (f) made for payments under a building commission
25 lease when the lease payments are for the retirement of bonds
26 issued by the commission before the date on which the

1 referendum making this Law applicable to the taxing district is
2 held to pay for the building project; (g) made for payments due
3 under installment contracts entered into before the date on
4 which the referendum making this Law applicable to the taxing
5 district is held; (h) made for payments of principal and
6 interest on limited bonds, as defined in Section 3 of the Local
7 Government Debt Reform Act, in an amount not to exceed the debt
8 service extension base less the amount in items (b), (c), and
9 (e) of this definition for non-referendum obligations, except
10 obligations initially issued pursuant to referendum; (i) made
11 for payments of principal and interest on bonds issued under
12 Section 15 of the Local Government Debt Reform Act; (j) made
13 for a qualified airport authority to pay interest or principal
14 on general obligation bonds issued for the purpose of paying
15 obligations due under, or financing airport facilities
16 required to be acquired, constructed, installed or equipped
17 pursuant to, contracts entered into before March 1, 1996 (but
18 not including any amendments to such a contract taking effect
19 on or after that date); (k) made to fund expenses of providing
20 joint recreational programs for persons with disabilities
21 under Section 5-8 of the Park District Code or Section 11-95-14
22 of the Illinois Municipal Code; (l) made for contributions to a
23 firefighter's pension fund created under Article 4 of the
24 Illinois Pension Code, to the extent of the amount certified
25 under item (5) of Section 4-134 of the Illinois Pension Code;
26 and (m) made for the taxing district to pay interest or

1 principal on general obligation bonds issued pursuant to
2 Section 19-3.10 of the School Code.

3 "Aggregate extension" for all taxing districts to which
4 this Law applies in accordance with paragraph (2) of subsection
5 (e) of Section 18-213 means the annual corporate extension for
6 the taxing district and those special purpose extensions that
7 are made annually for the taxing district, excluding special
8 purpose extensions: (a) made for the taxing district to pay
9 interest or principal on general obligation bonds that were
10 approved by referendum; (b) made for any taxing district to pay
11 interest or principal on general obligation bonds issued before
12 March 7, 1997 (the effective date of Public Act 89-718) ~~this~~
13 ~~amendatory Act of 1997~~; (c) made for any taxing district to pay
14 interest or principal on bonds issued to refund or continue to
15 refund those bonds issued before March 7, 1997 (the effective
16 date of Public Act 89-718) ~~this amendatory Act of 1997~~; (d)
17 made for any taxing district to pay interest or principal on
18 bonds issued to refund or continue to refund bonds issued after
19 March 7, 1997 (the effective date of Public Act 89-718) ~~this~~
20 ~~amendatory Act of 1997~~ if the bonds were approved by referendum
21 after March 7, 1997 (the effective date of Public Act 89-718)
22 ~~this amendatory Act of 1997~~; (e) made for any taxing district
23 to pay interest or principal on revenue bonds issued before
24 March 7, 1997 (the effective date of Public Act 89-718) ~~this~~
25 ~~amendatory Act of 1997~~ for payment of which a property tax levy
26 or the full faith and credit of the unit of local government is

1 pledged; however, a tax for the payment of interest or
2 principal on those bonds shall be made only after the governing
3 body of the unit of local government finds that all other
4 sources for payment are insufficient to make those payments;
5 (f) made for payments under a building commission lease when
6 the lease payments are for the retirement of bonds issued by
7 the commission before March 7, 1997 (the effective date of
8 Public Act 89-718) ~~this amendatory Act of 1997~~ to pay for the
9 building project; (g) made for payments due under installment
10 contracts entered into before March 7, 1997 (the effective date
11 of Public Act 89-718) ~~this amendatory Act of 1997~~; (h) made for
12 payments of principal and interest on limited bonds, as defined
13 in Section 3 of the Local Government Debt Reform Act, in an
14 amount not to exceed the debt service extension base less the
15 amount in items (b), (c), and (e) of this definition for
16 non-referendum obligations, except obligations initially
17 issued pursuant to referendum; (i) made for payments of
18 principal and interest on bonds issued under Section 15 of the
19 Local Government Debt Reform Act; (j) made for a qualified
20 airport authority to pay interest or principal on general
21 obligation bonds issued for the purpose of paying obligations
22 due under, or financing airport facilities required to be
23 acquired, constructed, installed or equipped pursuant to,
24 contracts entered into before March 1, 1996 (but not including
25 any amendments to such a contract taking effect on or after
26 that date); (k) made to fund expenses of providing joint

1 recreational programs for persons with disabilities under
2 Section 5-8 of the Park District Code or Section 11-95-14 of
3 the Illinois Municipal Code; and (l) made for contributions to
4 a firefighter's pension fund created under Article 4 of the
5 Illinois Pension Code, to the extent of the amount certified
6 under item (5) of Section 4-134 of the Illinois Pension Code.

7 "Debt service extension base" means an amount equal to that
8 portion of the extension for a taxing district for the 1994
9 levy year, or for those taxing districts subject to this Law in
10 accordance with Section 18-213, except for those subject to
11 paragraph (2) of subsection (e) of Section 18-213, for the levy
12 year in which the referendum making this Law applicable to the
13 taxing district is held, or for those taxing districts subject
14 to this Law in accordance with paragraph (2) of subsection (e)
15 of Section 18-213 for the 1996 levy year, constituting an
16 extension for payment of principal and interest on bonds issued
17 by the taxing district without referendum, but not including
18 excluded non-referendum bonds. For park districts (i) that were
19 first subject to this Law in 1991 or 1995 and (ii) whose
20 extension for the 1994 levy year for the payment of principal
21 and interest on bonds issued by the park district without
22 referendum (but not including excluded non-referendum bonds)
23 was less than 51% of the amount for the 1991 levy year
24 constituting an extension for payment of principal and interest
25 on bonds issued by the park district without referendum (but
26 not including excluded non-referendum bonds), "debt service

1 extension base" means an amount equal to that portion of the
2 extension for the 1991 levy year constituting an extension for
3 payment of principal and interest on bonds issued by the park
4 district without referendum (but not including excluded
5 non-referendum bonds). A debt service extension base
6 established or increased at any time pursuant to any provision
7 of this Law, except Section 18-212, shall be increased each
8 year commencing with the later of (i) the 2009 levy year or
9 (ii) the first levy year in which this Law becomes applicable
10 to the taxing district, by the lesser of 5% or the percentage
11 increase in the Consumer Price Index during the 12-month
12 calendar year preceding the levy year. The debt service
13 extension base may be established or increased as provided
14 under Section 18-212. "Excluded non-referendum bonds" means
15 (i) bonds authorized by Public Act 88-503 and issued under
16 Section 20a of the Chicago Park District Act for aquarium and
17 museum projects; (ii) bonds issued under Section 15 of the
18 Local Government Debt Reform Act; or (iii) refunding
19 obligations issued to refund or to continue to refund
20 obligations initially issued pursuant to referendum.

21 "Special purpose extensions" include, but are not limited
22 to, extensions for levies made on an annual basis for
23 unemployment and workers' compensation, self-insurance,
24 contributions to pension plans, and extensions made pursuant to
25 Section 6-601 of the Illinois Highway Code for a road
26 district's permanent road fund whether levied annually or not.

1 The extension for a special service area is not included in the
2 aggregate extension.

3 "Aggregate extension base" means the taxing district's
4 last preceding aggregate extension as adjusted under Sections
5 18-135, 18-215, 18-230, and 18-206. An adjustment under Section
6 18-135 shall be made for the 2007 levy year and all subsequent
7 levy years whenever one or more counties within which a taxing
8 district is located (i) used estimated valuations or rates when
9 extending taxes in the taxing district for the last preceding
10 levy year that resulted in the over or under extension of
11 taxes, or (ii) increased or decreased the tax extension for the
12 last preceding levy year as required by Section 18-135(c).
13 Whenever an adjustment is required under Section 18-135, the
14 aggregate extension base of the taxing district shall be equal
15 to the amount that the aggregate extension of the taxing
16 district would have been for the last preceding levy year if
17 either or both (i) actual, rather than estimated, valuations or
18 rates had been used to calculate the extension of taxes for the
19 last levy year, or (ii) the tax extension for the last
20 preceding levy year had not been adjusted as required by
21 subsection (c) of Section 18-135.

22 Notwithstanding any other provision of law, for levy year
23 2012, the aggregate extension base for West Northfield School
24 District No. 31 in Cook County shall be \$12,654,592.

25 "Levy year" has the same meaning as "year" under Section
26 1-155.

1 "New property" means (i) the assessed value, after final
2 board of review or board of appeals action, of new improvements
3 or additions to existing improvements on any parcel of real
4 property that increase the assessed value of that real property
5 during the levy year multiplied by the equalization factor
6 issued by the Department under Section 17-30, (ii) the assessed
7 value, after final board of review or board of appeals action,
8 of real property not exempt from real estate taxation, which
9 real property was exempt from real estate taxation for any
10 portion of the immediately preceding levy year, multiplied by
11 the equalization factor issued by the Department under Section
12 17-30, including the assessed value, upon final stabilization
13 of occupancy after new construction is complete, of any real
14 property located within the boundaries of an otherwise or
15 previously exempt military reservation that is intended for
16 residential use and owned by or leased to a private corporation
17 or other entity, (iii) in counties that classify in accordance
18 with Section 4 of Article IX of the Illinois Constitution, an
19 incentive property's additional assessed value resulting from
20 a scheduled increase in the level of assessment as applied to
21 the first year final board of review market value, and (iv) any
22 increase in assessed value due to oil or gas production from an
23 oil or gas well required to be permitted under the Hydraulic
24 Fracturing Regulatory Act that was not produced in or accounted
25 for during the previous levy year. In addition, the county
26 clerk in a county containing a population of 3,000,000 or more

1 shall include in the 1997 recovered tax increment value for any
2 school district, any recovered tax increment value that was
3 applicable to the 1995 tax year calculations.

4 "Qualified airport authority" means an airport authority
5 organized under the Airport Authorities Act and located in a
6 county bordering on the State of Wisconsin and having a
7 population in excess of 200,000 and not greater than 500,000.

8 "Recovered tax increment value" means, except as otherwise
9 provided in this paragraph, the amount of the current year's
10 equalized assessed value, in the first year after a
11 municipality terminates the designation of an area as a
12 redevelopment project area previously established under the
13 Tax Increment Allocation Redevelopment ~~Development~~ Act in the
14 Illinois Municipal Code, previously established under the
15 Industrial Jobs Recovery Law in the Illinois Municipal Code,
16 previously established under the Economic Development Project
17 Area Tax Increment Act of 1995, or previously established under
18 the Economic Development Area Tax Increment Allocation Act, of
19 each taxable lot, block, tract, or parcel of real property in
20 the redevelopment project area over and above the initial
21 equalized assessed value of each property in the redevelopment
22 project area. For the taxes which are extended for the 1997
23 levy year, the recovered tax increment value for a non-home
24 rule taxing district that first became subject to this Law for
25 the 1995 levy year because a majority of its 1994 equalized
26 assessed value was in an affected county or counties shall be

1 increased if a municipality terminated the designation of an
2 area in 1993 as a redevelopment project area previously
3 established under the Tax Increment Allocation Redevelopment
4 ~~Development~~ Act in the Illinois Municipal Code, previously
5 established under the Industrial Jobs Recovery Law in the
6 Illinois Municipal Code, or previously established under the
7 Economic Development Area Tax Increment Allocation Act, by an
8 amount equal to the 1994 equalized assessed value of each
9 taxable lot, block, tract, or parcel of real property in the
10 redevelopment project area over and above the initial equalized
11 assessed value of each property in the redevelopment project
12 area. In the first year after a municipality removes a taxable
13 lot, block, tract, or parcel of real property from a
14 redevelopment project area established under the Tax Increment
15 Allocation Redevelopment ~~Development~~ Act in the Illinois
16 Municipal Code, the Industrial Jobs Recovery Law in the
17 Illinois Municipal Code, or the Economic Development Area Tax
18 Increment Allocation Act, "recovered tax increment value"
19 means the amount of the current year's equalized assessed value
20 of each taxable lot, block, tract, or parcel of real property
21 removed from the redevelopment project area over and above the
22 initial equalized assessed value of that real property before
23 removal from the redevelopment project area.

24 Except as otherwise provided in this Section, "limiting
25 rate" means a fraction the numerator of which is the last
26 preceding aggregate extension base times an amount equal to one

1 plus the extension limitation defined in this Section and the
2 denominator of which is the current year's equalized assessed
3 value of all real property in the territory under the
4 jurisdiction of the taxing district during the prior levy year.
5 For those taxing districts that reduced their aggregate
6 extension for the last preceding levy year, except for school
7 districts that reduced their extension for educational
8 purposes pursuant to Section 18-206, the highest aggregate
9 extension in any of the last 3 preceding levy years shall be
10 used for the purpose of computing the limiting rate. The
11 denominator shall not include new property or the recovered tax
12 increment value. If a new rate, a rate decrease, or a limiting
13 rate increase has been approved at an election held after March
14 21, 2006, then (i) the otherwise applicable limiting rate shall
15 be increased by the amount of the new rate or shall be reduced
16 by the amount of the rate decrease, as the case may be, or (ii)
17 in the case of a limiting rate increase, the limiting rate
18 shall be equal to the rate set forth in the proposition
19 approved by the voters for each of the years specified in the
20 proposition, after which the limiting rate of the taxing
21 district shall be calculated as otherwise provided. In the case
22 of a taxing district that obtained referendum approval for an
23 increased limiting rate on March 20, 2012, the limiting rate
24 for tax year 2012 shall be the rate that generates the
25 approximate total amount of taxes extendable for that tax year,
26 as set forth in the proposition approved by the voters; this

1 rate shall be the final rate applied by the county clerk for
2 the aggregate of all capped funds of the district for tax year
3 2012.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17;
5 100-465, eff. 8-31-17; revised 8-12-19.)

6 (35 ILCS 200/18-246)

7 Sec. 18-246. Short title; definitions. This Division 5.1
8 may be cited as the One-year Property Tax Extension Limitation
9 Law.

10 As used in this Division 5.1:

11 "Taxing district" has the same meaning provided in Section
12 1-150, except that it includes only each non-home rule taxing
13 district with the majority of its 1993 equalized assessed value
14 contained in one or more affected counties, as defined in
15 Section 18-185, other than those taxing districts subject to
16 the Property Tax Extension Limitation Law before February 12,
17 1995 (the effective date of Public Act 89-1) ~~this amendatory~~
18 ~~Act of 1995.~~

19 "Aggregate extension" means the annual corporate extension
20 for the taxing district and those special purpose extensions
21 that are made annually for the taxing district, excluding
22 special purpose extensions: (a) made for the taxing district to
23 pay interest or principal on general obligation bonds that were
24 approved by referendum; (b) made for any taxing district to pay
25 interest or principal on general obligation bonds issued before

1 March 1, 1995; (c) made for any taxing district to pay interest
2 or principal on bonds issued to refund or continue to refund
3 those bonds issued before March 1, 1995; (d) made for any
4 taxing district to pay interest or principal on bonds issued to
5 refund or continue to refund bonds issued after March 1, 1995
6 that were approved by referendum; (e) made for any taxing
7 district to pay interest or principal on revenue bonds issued
8 before March 1, 1995 for payment of which a property tax levy
9 or the full faith and credit of the unit of local government is
10 pledged; however, a tax for the payment of interest or
11 principal on those bonds shall be made only after the governing
12 body of the unit of local government finds that all other
13 sources for payment are insufficient to make those payments;
14 (f) made for payments under a building commission lease when
15 the lease payments are for the retirement of bonds issued by
16 the commission before March 1, 1995, to pay for the building
17 project; (g) made for payments due under installment contracts
18 entered into before March 1, 1995; and (h) made for payments of
19 principal and interest on bonds issued under the Metropolitan
20 Water Reclamation District Act to finance construction
21 projects initiated before October 1, 1991.

22 "Special purpose extensions" includes, but is not limited
23 to, extensions for levies made on an annual basis for
24 unemployment compensation, workers' compensation,
25 self-insurance, contributions to pension plans, and extensions
26 made under Section 6-601 of the Illinois Highway Code for a

1 road district's permanent road fund, whether levied annually or
2 not. The extension for a special service area is not included
3 in the aggregate extension.

4 "Aggregate extension base" means the taxing district's
5 aggregate extension for the 1993 levy year as adjusted under
6 Section 18-248.

7 "Levy year" has the same meaning as "year" under Section
8 1-155.

9 "New property" means (i) the assessed value, after final
10 board of review or board of appeals action, of new improvements
11 or additions to existing improvements on any parcel of real
12 property that increase the assessed value of that real property
13 during the levy year multiplied by the equalization factor
14 issued by the Department under Section 17-30 and (ii) the
15 assessed value, after final board of review or board of appeals
16 action, of real property not exempt from real estate taxation,
17 which real property was exempt from real estate taxation for
18 any portion of the immediately preceding levy year, multiplied
19 by the equalization factor issued by the Department under
20 Section 17-30.

21 "Recovered tax increment value" means the amount of the
22 1994 equalized assessed value, in the first year after a city
23 terminates the designation of an area as a redevelopment
24 project area previously established under the Tax Increment
25 Allocation Redevelopment ~~Development~~ Act of the Illinois
26 Municipal Code or previously established under the Industrial

1 Jobs Recovery Law of the Illinois Municipal Code, or previously
2 established under the Economic Development Area Tax Increment
3 Allocation Act, of each taxable lot, block, tract, or parcel of
4 real property in the redevelopment project area over and above
5 the initial equalized assessed value of each property in the
6 redevelopment project area.

7 Except as otherwise provided in this Section, "limiting
8 rate" means a fraction the numerator of which is the aggregate
9 extension base times 1.05 and the denominator of which is the
10 1994 equalized assessed value of all real property in the
11 territory under the jurisdiction of the taxing district during
12 the 1993 levy year. The denominator shall not include new
13 property and shall not include the recovered tax increment
14 value.

15 (Source: P.A. 91-357, eff. 7-29-99; revised 8-20-19.)

16 Section 210. The Motor Fuel Tax Law is amended by changing
17 Section 8 as follows:

18 (35 ILCS 505/8) (from Ch. 120, par. 424)

19 Sec. 8. Except as provided in subsection (a-1) of this
20 Section, Section 8a, subdivision (h) (1) of Section 12a, Section
21 13a.6, and items 13, 14, 15, and 16 of Section 15, all money
22 received by the Department under this Act, including payments
23 made to the Department by member jurisdictions participating in
24 the International Fuel Tax Agreement, shall be deposited in a

1 special fund in the State treasury, to be known as the "Motor
2 Fuel Tax Fund", and shall be used as follows:

3 (a) 2 1/2 cents per gallon of the tax collected on special
4 fuel under paragraph (b) of Section 2 and Section 13a of this
5 Act shall be transferred to the State Construction Account Fund
6 in the State Treasury; the remainder of the tax collected on
7 special fuel under paragraph (b) of Section 2 and Section 13a
8 of this Act shall be deposited into the Road Fund;

9 (a-1) Beginning on July 1, 2019, an amount equal to the
10 amount of tax collected under subsection (a) of Section 2 as a
11 result of the increase in the tax rate under Public Act 101-32
12 ~~this amendatory Act of the 101st General Assembly~~ shall be
13 transferred each month into the Transportation Renewal Fund; ~~:-~~

14 (b) \$420,000 shall be transferred each month to the State
15 Boating Act Fund to be used by the Department of Natural
16 Resources for the purposes specified in Article X of the Boat
17 Registration and Safety Act;

18 (c) \$3,500,000 shall be transferred each month to the Grade
19 Crossing Protection Fund to be used as follows: not less than
20 \$12,000,000 each fiscal year shall be used for the construction
21 or reconstruction of rail highway grade separation structures;
22 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
23 fiscal year 2010 and each fiscal year thereafter shall be
24 transferred to the Transportation Regulatory Fund and shall be
25 accounted for as part of the rail carrier portion of such funds
26 and shall be used to pay the cost of administration of the

1 Illinois Commerce Commission's railroad safety program in
2 connection with its duties under subsection (3) of Section
3 18c-7401 of the Illinois Vehicle Code, with the remainder to be
4 used by the Department of Transportation upon order of the
5 Illinois Commerce Commission, to pay that part of the cost
6 apportioned by such Commission to the State to cover the
7 interest of the public in the use of highways, roads, streets,
8 or pedestrian walkways in the county highway system, township
9 and district road system, or municipal street system as defined
10 in the Illinois Highway Code, as the same may from time to time
11 be amended, for separation of grades, for installation,
12 construction or reconstruction of crossing protection or
13 reconstruction, alteration, relocation including construction
14 or improvement of any existing highway necessary for access to
15 property or improvement of any grade crossing and grade
16 crossing surface including the necessary highway approaches
17 thereto of any railroad across the highway or public road, or
18 for the installation, construction, reconstruction, or
19 maintenance of a pedestrian walkway over or under a railroad
20 right-of-way, as provided for in and in accordance with Section
21 18c-7401 of the Illinois Vehicle Code. The Commission may order
22 up to \$2,000,000 per year in Grade Crossing Protection Fund
23 moneys for the improvement of grade crossing surfaces and up to
24 \$300,000 per year for the maintenance and renewal of 4-quadrant
25 gate vehicle detection systems located at non-high speed rail
26 grade crossings. The Commission shall not order more than

1 \$2,000,000 per year in Grade Crossing Protection Fund moneys
2 for pedestrian walkways. In entering orders for projects for
3 which payments from the Grade Crossing Protection Fund will be
4 made, the Commission shall account for expenditures authorized
5 by the orders on a cash rather than an accrual basis. For
6 purposes of this requirement an "accrual basis" assumes that
7 the total cost of the project is expended in the fiscal year in
8 which the order is entered, while a "cash basis" allocates the
9 cost of the project among fiscal years as expenditures are
10 actually made. To meet the requirements of this subsection, the
11 Illinois Commerce Commission shall develop annual and 5-year
12 project plans of rail crossing capital improvements that will
13 be paid for with moneys from the Grade Crossing Protection
14 Fund. The annual project plan shall identify projects for the
15 succeeding fiscal year and the 5-year project plan shall
16 identify projects for the 5 directly succeeding fiscal years.
17 The Commission shall submit the annual and 5-year project plans
18 for this Fund to the Governor, the President of the Senate, the
19 Senate Minority Leader, the Speaker of the House of
20 Representatives, and the Minority Leader of the House of
21 Representatives on the first Wednesday in April of each year;

22 (d) of the amount remaining after allocations provided for
23 in subsections (a), (a-1), (b) and (c), a sufficient amount
24 shall be reserved to pay all of the following:

- 25 (1) the costs of the Department of Revenue in
26 administering this Act;

1 (2) the costs of the Department of Transportation in
2 performing its duties imposed by the Illinois Highway Code
3 for supervising the use of motor fuel tax funds apportioned
4 to municipalities, counties and road districts;

5 (3) refunds provided for in Section 13, refunds for
6 overpayment of decal fees paid under Section 13a.4 of this
7 Act, and refunds provided for under the terms of the
8 International Fuel Tax Agreement referenced in Section
9 14a;

10 (4) from October 1, 1985 until June 30, 1994, the
11 administration of the Vehicle Emissions Inspection Law,
12 which amount shall be certified monthly by the
13 Environmental Protection Agency to the State Comptroller
14 and shall promptly be transferred by the State Comptroller
15 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
16 Inspection Fund, and for the period July 1, 1994 through
17 June 30, 2000, one-twelfth of \$25,000,000 each month, for
18 the period July 1, 2000 through June 30, 2003, one-twelfth
19 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
20 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
21 July 1 and October 1, or as soon thereafter as may be
22 practical, during the period July 1, 2004 through June 30,
23 2012, and \$30,000,000 on June 1, 2013, or as soon
24 thereafter as may be practical, and \$15,000,000 on July 1
25 and October 1, or as soon thereafter as may be practical,
26 during the period of July 1, 2013 through June 30, 2015,

1 for the administration of the Vehicle Emissions Inspection
2 Law of 2005, to be transferred by the State Comptroller and
3 Treasurer from the Motor Fuel Tax Fund into the Vehicle
4 Inspection Fund;

5 (4.5) beginning on July 1, 2019, the costs of the
6 Environmental Protection Agency for the administration of
7 the Vehicle Emissions Inspection Law of 2005 shall be paid,
8 subject to appropriation, from the Motor Fuel Tax Fund into
9 the Vehicle Inspection Fund; beginning in 2019, no later
10 than December 31 of each year, or as soon thereafter as
11 practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer from the Vehicle Inspection Fund
13 to the Motor Fuel Tax Fund any balance remaining in the
14 Vehicle Inspection Fund in excess of \$2,000,000;

15 (5) amounts ordered paid by the Court of Claims; and

16 (6) payment of motor fuel use taxes due to member
17 jurisdictions under the terms of the International Fuel Tax
18 Agreement. The Department shall certify these amounts to
19 the Comptroller by the 15th day of each month; the
20 Comptroller shall cause orders to be drawn for such
21 amounts, and the Treasurer shall administer those amounts
22 on or before the last day of each month;

23 (e) after allocations for the purposes set forth in
24 subsections (a), (a-1), (b), (c), and (d), the remaining amount
25 shall be apportioned as follows:

26 (1) Until January 1, 2000, 58.4%, and beginning January

1 1, 2000, 45.6% shall be deposited as follows:

2 (A) 37% into the State Construction Account Fund,
3 and

4 (B) 63% into the Road Fund, \$1,250,000 of which
5 shall be reserved each month for the Department of
6 Transportation to be used in accordance with the
7 provisions of Sections 6-901 through 6-906 of the
8 Illinois Highway Code;

9 (2) Until January 1, 2000, 41.6%, and beginning January
10 1, 2000, 54.4% shall be transferred to the Department of
11 Transportation to be distributed as follows:

12 (A) 49.10% to the municipalities of the State,

13 (B) 16.74% to the counties of the State having
14 1,000,000 or more inhabitants,

15 (C) 18.27% to the counties of the State having less
16 than 1,000,000 inhabitants,

17 (D) 15.89% to the road districts of the State.

18 If a township is dissolved under Article 24 of the
19 Township Code, McHenry County shall receive any moneys that
20 would have been distributed to the township under this
21 subparagraph, except that a municipality that assumes the
22 powers and responsibilities of a road district under
23 paragraph (6) of Section 24-35 of the Township Code shall
24 receive any moneys that would have been distributed to the
25 township in a percent equal to the area of the dissolved
26 road district or portion of the dissolved road district

1 over which the municipality assumed the powers and
2 responsibilities compared to the total area of the
3 dissolved township. The moneys received under this
4 subparagraph shall be used in the geographic area of the
5 dissolved township. If a township is reconstituted as
6 provided under Section 24-45 of the Township Code, McHenry
7 County or a municipality shall no longer be distributed
8 moneys under this subparagraph.

9 As soon as may be after the first day of each month, the
10 Department of Transportation shall allot to each municipality
11 its share of the amount apportioned to the several
12 municipalities which shall be in proportion to the population
13 of such municipalities as determined by the last preceding
14 municipal census if conducted by the Federal Government or
15 Federal census. If territory is annexed to any municipality
16 subsequent to the time of the last preceding census the
17 corporate authorities of such municipality may cause a census
18 to be taken of such annexed territory and the population so
19 ascertained for such territory shall be added to the population
20 of the municipality as determined by the last preceding census
21 for the purpose of determining the allotment for that
22 municipality. If the population of any municipality was not
23 determined by the last Federal census preceding any
24 apportionment, the apportionment to such municipality shall be
25 in accordance with any census taken by such municipality. Any
26 municipal census used in accordance with this Section shall be

1 certified to the Department of Transportation by the clerk of
2 such municipality, and the accuracy thereof shall be subject to
3 approval of the Department which may make such corrections as
4 it ascertains to be necessary.

5 As soon as may be after the first day of each month, the
6 Department of Transportation shall allot to each county its
7 share of the amount apportioned to the several counties of the
8 State as herein provided. Each allotment to the several
9 counties having less than 1,000,000 inhabitants shall be in
10 proportion to the amount of motor vehicle license fees received
11 from the residents of such counties, respectively, during the
12 preceding calendar year. The Secretary of State shall, on or
13 before April 15 of each year, transmit to the Department of
14 Transportation a full and complete report showing the amount of
15 motor vehicle license fees received from the residents of each
16 county, respectively, during the preceding calendar year. The
17 Department of Transportation shall, each month, use for
18 allotment purposes the last such report received from the
19 Secretary of State.

20 As soon as may be after the first day of each month, the
21 Department of Transportation shall allot to the several
22 counties their share of the amount apportioned for the use of
23 road districts. The allotment shall be apportioned among the
24 several counties in the State in the proportion which the total
25 mileage of township or district roads in the respective
26 counties bears to the total mileage of all township and

1 district roads in the State. Funds allotted to the respective
2 counties for the use of road districts therein shall be
3 allocated to the several road districts in the county in the
4 proportion which the total mileage of such township or district
5 roads in the respective road districts bears to the total
6 mileage of all such township or district roads in the county.
7 After July 1 of any year prior to 2011, no allocation shall be
8 made for any road district unless it levied a tax for road and
9 bridge purposes in an amount which will require the extension
10 of such tax against the taxable property in any such road
11 district at a rate of not less than either .08% of the value
12 thereof, based upon the assessment for the year immediately
13 prior to the year in which such tax was levied and as equalized
14 by the Department of Revenue or, in DuPage County, an amount
15 equal to or greater than \$12,000 per mile of road under the
16 jurisdiction of the road district, whichever is less. Beginning
17 July 1, 2011 and each July 1 thereafter, an allocation shall be
18 made for any road district if it levied a tax for road and
19 bridge purposes. In counties other than DuPage County, if the
20 amount of the tax levy requires the extension of the tax
21 against the taxable property in the road district at a rate
22 that is less than 0.08% of the value thereof, based upon the
23 assessment for the year immediately prior to the year in which
24 the tax was levied and as equalized by the Department of
25 Revenue, then the amount of the allocation for that road
26 district shall be a percentage of the maximum allocation equal

1 to the percentage obtained by dividing the rate extended by the
2 district by 0.08%. In DuPage County, if the amount of the tax
3 levy requires the extension of the tax against the taxable
4 property in the road district at a rate that is less than the
5 lesser of (i) 0.08% of the value of the taxable property in the
6 road district, based upon the assessment for the year
7 immediately prior to the year in which such tax was levied and
8 as equalized by the Department of Revenue, or (ii) a rate that
9 will yield an amount equal to \$12,000 per mile of road under
10 the jurisdiction of the road district, then the amount of the
11 allocation for the road district shall be a percentage of the
12 maximum allocation equal to the percentage obtained by dividing
13 the rate extended by the district by the lesser of (i) 0.08% or
14 (ii) the rate that will yield an amount equal to \$12,000 per
15 mile of road under the jurisdiction of the road district.

16 Prior to 2011, if any road district has levied a special
17 tax for road purposes pursuant to Sections 6-601, 6-602, and
18 6-603 of the Illinois Highway Code, and such tax was levied in
19 an amount which would require extension at a rate of not less
20 than .08% of the value of the taxable property thereof, as
21 equalized or assessed by the Department of Revenue, or, in
22 DuPage County, an amount equal to or greater than \$12,000 per
23 mile of road under the jurisdiction of the road district,
24 whichever is less, such levy shall, however, be deemed a proper
25 compliance with this Section and shall qualify such road
26 district for an allotment under this Section. Beginning in 2011

1 and thereafter, if any road district has levied a special tax
2 for road purposes under Sections 6-601, 6-602, and 6-603 of the
3 Illinois Highway Code, and the tax was levied in an amount that
4 would require extension at a rate of not less than 0.08% of the
5 value of the taxable property of that road district, as
6 equalized or assessed by the Department of Revenue or, in
7 DuPage County, an amount equal to or greater than \$12,000 per
8 mile of road under the jurisdiction of the road district,
9 whichever is less, that levy shall be deemed a proper
10 compliance with this Section and shall qualify such road
11 district for a full, rather than proportionate, allotment under
12 this Section. If the levy for the special tax is less than
13 0.08% of the value of the taxable property, or, in DuPage
14 County if the levy for the special tax is less than the lesser
15 of (i) 0.08% or (ii) \$12,000 per mile of road under the
16 jurisdiction of the road district, and if the levy for the
17 special tax is more than any other levy for road and bridge
18 purposes, then the levy for the special tax qualifies the road
19 district for a proportionate, rather than full, allotment under
20 this Section. If the levy for the special tax is equal to or
21 less than any other levy for road and bridge purposes, then any
22 allotment under this Section shall be determined by the other
23 levy for road and bridge purposes.

24 Prior to 2011, if a township has transferred to the road
25 and bridge fund money which, when added to the amount of any
26 tax levy of the road district would be the equivalent of a tax

1 levy requiring extension at a rate of at least .08%, or, in
2 DuPage County, an amount equal to or greater than \$12,000 per
3 mile of road under the jurisdiction of the road district,
4 whichever is less, such transfer, together with any such tax
5 levy, shall be deemed a proper compliance with this Section and
6 shall qualify the road district for an allotment under this
7 Section.

8 In counties in which a property tax extension limitation is
9 imposed under the Property Tax Extension Limitation Law, road
10 districts may retain their entitlement to a motor fuel tax
11 allotment or, beginning in 2011, their entitlement to a full
12 allotment if, at the time the property tax extension limitation
13 was imposed, the road district was levying a road and bridge
14 tax at a rate sufficient to entitle it to a motor fuel tax
15 allotment and continues to levy the maximum allowable amount
16 after the imposition of the property tax extension limitation.
17 Any road district may in all circumstances retain its
18 entitlement to a motor fuel tax allotment or, beginning in
19 2011, its entitlement to a full allotment if it levied a road
20 and bridge tax in an amount that will require the extension of
21 the tax against the taxable property in the road district at a
22 rate of not less than 0.08% of the assessed value of the
23 property, based upon the assessment for the year immediately
24 preceding the year in which the tax was levied and as equalized
25 by the Department of Revenue or, in DuPage County, an amount
26 equal to or greater than \$12,000 per mile of road under the

1 jurisdiction of the road district, whichever is less.

2 As used in this Section, the term "road district" means any
3 road district, including a county unit road district, provided
4 for by the Illinois Highway Code; and the term "township or
5 district road" means any road in the township and district road
6 system as defined in the Illinois Highway Code. For the
7 purposes of this Section, "township or district road" also
8 includes such roads as are maintained by park districts, forest
9 preserve districts and conservation districts. The Department
10 of Transportation shall determine the mileage of all township
11 and district roads for the purposes of making allotments and
12 allocations of motor fuel tax funds for use in road districts.

13 Payment of motor fuel tax moneys to municipalities and
14 counties shall be made as soon as possible after the allotment
15 is made. The treasurer of the municipality or county may invest
16 these funds until their use is required and the interest earned
17 by these investments shall be limited to the same uses as the
18 principal funds.

19 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;
20 101-493, eff. 8-23-19; revised 9-24-19.)

21 Section 215. The Illinois Pension Code is amended by
22 changing Sections 1-109, 4-117, 4-141, 14-125, 15-155, 16-158,
23 16-190.5, and 16-203 as follows:

24 (40 ILCS 5/1-109) (from Ch. 108 1/2, par. 1-109)

1 Sec. 1-109. Duties of fiduciaries. A fiduciary with respect
2 to a retirement system or pension fund established under this
3 Code shall discharge his or her duties with respect to the
4 retirement system or pension fund solely in the interest of the
5 participants and beneficiaries and:

6 (a) for the exclusive purpose of:

7 (1) providing benefits to participants and their
8 beneficiaries; and

9 (2) defraying reasonable expenses of administering
10 the retirement system or pension fund;

11 (b) with the care, skill, prudence and diligence under
12 the circumstances then prevailing that a prudent man acting
13 in a like capacity and familiar with such matters would use
14 in the conduct of an enterprise of a like character with
15 like aims;

16 (c) by diversifying the investments of the retirement
17 system or pension fund so as to minimize the risk of large
18 losses, unless under the circumstances it is clearly
19 prudent not to do so; and

20 (d) in accordance with the provisions of the Article of
21 this ~~the Pension~~ Code governing the retirement system or
22 pension fund.

23 (Source: P.A. 82-960; revised 11-26-19.)

24 (40 ILCS 5/4-117) (from Ch. 108 1/2, par. 4-117)

25 Sec. 4-117. Reentry into active service.

1 (a) If a firefighter receiving pension payments reenters
2 active service, pension payments shall be suspended while he or
3 she is in service. If the firefighter again retires or is
4 discharged, his or her monthly pension shall be resumed in the
5 same amount as was paid upon first retirement or discharge
6 unless he or she remained in active service 3 or more years
7 after re-entry in which case the monthly pension shall be based
8 on the salary attached to the firefighter's rank at the date of
9 last retirement.

10 (b) If a deferred pensioner re-enters active service, and
11 again retires or is discharged from the fire service, his or
12 her pension shall be based on the salary attached to the rank
13 held in the fire service at the date of earlier retirement,
14 unless the firefighter remains in active service for 3 or more
15 years after re-entry, in which case the monthly pension shall
16 be based on the salary attached to the firefighter's rank at
17 the date of last retirement.

18 (c) If a pensioner or deferred pensioner re-enters or is
19 recalled to active service and is thereafter injured, and the
20 injury is not related to an injury for which he or she was
21 previously receiving a disability pension, the 3-year ~~3-year~~
22 service requirement shall not apply in order for the
23 firefighter to qualify for the increased pension based on the
24 rate of pay at the time of the new injury.

25 (Source: P.A. 83-1440; revised 7-17-19.)

1 (40 ILCS 5/4-141) (from Ch. 108 1/2, par. 4-141)

2 Sec. 4-141. Referendum in municipalities less than 5,000.
3 This Article shall become effective in any municipality of less
4 than 5,000~~7~~ population if the proposition to adopt the Article
5 is submitted to and approved by the voters of the municipality
6 in the manner herein provided.

7 Whenever the electors of the municipality equal in number
8 to 5% of the number of legal votes cast at the last preceding
9 general municipal election for mayor or president, as the case
10 may be, petition the corporate authorities of the municipality
11 to submit the proposition whether that municipality shall adopt
12 this Article, the municipal clerk shall certify the proposition
13 to the proper election official who shall submit it to the
14 electors in accordance with the general election law at the
15 next succeeding regular election in the municipality. If the
16 proposition is not adopted at that election, it may be
17 submitted in like manner at any regular election thereafter.

18 The proposition shall be substantially in the following
19 form:

20 -----

21 Shall the city (or village or
22 incorporated town as the case may be)
23 of.... adopt Article 4 of the
24 Illinois Pension Code,
25 providing for a Firefighters'
26 Pension Fund and the levying

YES

NO

1 of an annual tax therefor?

2 -----

3 If a majority of the votes cast on the proposition is for
4 the proposition, this Article is adopted in that municipality.
5 (Source: P.A. 83-1440; revised 7-17-19.)

6 (40 ILCS 5/14-125) (from Ch. 108 1/2, par. 14-125)

7 Sec. 14-125. Nonoccupational disability benefit; amount
8 ~~benefit~~ ~~Amount~~ of. The nonoccupational disability benefit
9 shall be 50% of the member's final average compensation at the
10 time disability occurred. In the case of a member whose benefit
11 was resumed due to the same disability, the amount of the
12 benefit shall be the same as that last paid before resumption
13 of State employment. In the event that a temporary disability
14 benefit has been received, the nonoccupational disability
15 benefit shall be subject to adjustment by the Board under
16 Section 14-123.1.

17 If a covered employee is eligible for a disability benefit
18 before attaining the Social Security full retirement age or a
19 retirement benefit on or after attaining the Social Security
20 full retirement age under the federal ~~Federal~~ Social Security
21 Act, the amount of the member's nonoccupational disability
22 benefit shall be reduced by the amount of primary benefit the
23 member would be eligible to receive under such Act, whether or
24 not entitlement thereto came about as the result of service as
25 a covered employee under this Article. The Board may make such

1 reduction if it appears that the employee may be so eligible
2 pending determination of eligibility and make an appropriate
3 adjustment if necessary after such determination. The amount of
4 any nonoccupational disability benefit payable under this
5 Article shall not be reduced by reason of any increase under
6 the federal ~~Federal~~ Social Security Act which occurs after the
7 offset required by this Section is first applied to that
8 benefit.

9 As used in this Section ~~subsection~~, "Social Security full
10 retirement age" means the age at which an individual is
11 eligible to receive full Social Security retirement benefits.

12 (Source: P.A. 101-54, eff. 7-12-19; revised 8-13-19.)

13 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

14 Sec. 15-155. Employer contributions.

15 (a) The State of Illinois shall make contributions by
16 appropriations of amounts which, together with the other
17 employer contributions from trust, federal, and other funds,
18 employee contributions, income from investments, and other
19 income of this System, will be sufficient to meet the cost of
20 maintaining and administering the System on a 90% funded basis
21 in accordance with actuarial recommendations.

22 The Board shall determine the amount of State contributions
23 required for each fiscal year on the basis of the actuarial
24 tables and other assumptions adopted by the Board and the
25 recommendations of the actuary, using the formula in subsection

1 (a-1).

2 (a-1) For State fiscal years 2012 through 2045, the minimum
3 contribution to the System to be made by the State for each
4 fiscal year shall be an amount determined by the System to be
5 sufficient to bring the total assets of the System up to 90% of
6 the total actuarial liabilities of the System by the end of
7 State fiscal year 2045. In making these determinations, the
8 required State contribution shall be calculated each year as a
9 level percentage of payroll over the years remaining to and
10 including fiscal year 2045 and shall be determined under the
11 projected unit credit actuarial cost method.

12 For each of State fiscal years 2018, 2019, and 2020, the
13 State shall make an additional contribution to the System equal
14 to 2% of the total payroll of each employee who is deemed to
15 have elected the benefits under Section 1-161 or who has made
16 the election under subsection (c) of Section 1-161.

17 A change in an actuarial or investment assumption that
18 increases or decreases the required State contribution and
19 first applies in State fiscal year 2018 or thereafter shall be
20 implemented in equal annual amounts over a 5-year period
21 beginning in the State fiscal year in which the actuarial
22 change first applies to the required State contribution.

23 A change in an actuarial or investment assumption that
24 increases or decreases the required State contribution and
25 first applied to the State contribution in fiscal year 2014,
26 2015, 2016, or 2017 shall be implemented:

1 (i) as already applied in State fiscal years before
2 2018; and

3 (ii) in the portion of the 5-year period beginning in
4 the State fiscal year in which the actuarial change first
5 applied that occurs in State fiscal year 2018 or
6 thereafter, by calculating the change in equal annual
7 amounts over that 5-year period and then implementing it at
8 the resulting annual rate in each of the remaining fiscal
9 years in that 5-year period.

10 For State fiscal years 1996 through 2005, the State
11 contribution to the System, as a percentage of the applicable
12 employee payroll, shall be increased in equal annual increments
13 so that by State fiscal year 2011, the State is contributing at
14 the rate required under this Section.

15 Notwithstanding any other provision of this Article, the
16 total required State contribution for State fiscal year 2006 is
17 \$166,641,900.

18 Notwithstanding any other provision of this Article, the
19 total required State contribution for State fiscal year 2007 is
20 \$252,064,100.

21 For each of State fiscal years 2008 through 2009, the State
22 contribution to the System, as a percentage of the applicable
23 employee payroll, shall be increased in equal annual increments
24 from the required State contribution for State fiscal year
25 2007, so that by State fiscal year 2011, the State is
26 contributing at the rate otherwise required under this Section.

1 Notwithstanding any other provision of this Article, the
2 total required State contribution for State fiscal year 2010 is
3 \$702,514,000 and shall be made from the State Pensions Fund and
4 proceeds of bonds sold in fiscal year 2010 pursuant to Section
5 7.2 of the General Obligation Bond Act, less (i) the pro rata
6 share of bond sale expenses determined by the System's share of
7 total bond proceeds, (ii) any amounts received from the General
8 Revenue Fund in fiscal year 2010, (iii) any reduction in bond
9 proceeds due to the issuance of discounted bonds, if
10 applicable.

11 Notwithstanding any other provision of this Article, the
12 total required State contribution for State fiscal year 2011 is
13 the amount recertified by the System on or before April 1, 2011
14 pursuant to Section 15-165 and shall be made from the State
15 Pensions Fund and proceeds of bonds sold in fiscal year 2011
16 pursuant to Section 7.2 of the General Obligation Bond Act,
17 less (i) the pro rata share of bond sale expenses determined by
18 the System's share of total bond proceeds, (ii) any amounts
19 received from the General Revenue Fund in fiscal year 2011, and
20 (iii) any reduction in bond proceeds due to the issuance of
21 discounted bonds, if applicable.

22 Beginning in State fiscal year 2046, the minimum State
23 contribution for each fiscal year shall be the amount needed to
24 maintain the total assets of the System at 90% of the total
25 actuarial liabilities of the System.

26 Amounts received by the System pursuant to Section 25 of

1 the Budget Stabilization Act or Section 8.12 of the State
2 Finance Act in any fiscal year do not reduce and do not
3 constitute payment of any portion of the minimum State
4 contribution required under this Article in that fiscal year.
5 Such amounts shall not reduce, and shall not be included in the
6 calculation of, the required State contributions under this
7 Article in any future year until the System has reached a
8 funding ratio of at least 90%. A reference in this Article to
9 the "required State contribution" or any substantially similar
10 term does not include or apply to any amounts payable to the
11 System under Section 25 of the Budget Stabilization Act.

12 Notwithstanding any other provision of this Section, the
13 required State contribution for State fiscal year 2005 and for
14 fiscal year 2008 and each fiscal year thereafter, as calculated
15 under this Section and certified under Section 15-165, shall
16 not exceed an amount equal to (i) the amount of the required
17 State contribution that would have been calculated under this
18 Section for that fiscal year if the System had not received any
19 payments under subsection (d) of Section 7.2 of the General
20 Obligation Bond Act, minus (ii) the portion of the State's
21 total debt service payments for that fiscal year on the bonds
22 issued in fiscal year 2003 for the purposes of that Section
23 7.2, as determined and certified by the Comptroller, that is
24 the same as the System's portion of the total moneys
25 distributed under subsection (d) of Section 7.2 of the General
26 Obligation Bond Act. In determining this maximum for State

1 fiscal years 2008 through 2010, however, the amount referred to
2 in item (i) shall be increased, as a percentage of the
3 applicable employee payroll, in equal increments calculated
4 from the sum of the required State contribution for State
5 fiscal year 2007 plus the applicable portion of the State's
6 total debt service payments for fiscal year 2007 on the bonds
7 issued in fiscal year 2003 for the purposes of Section 7.2 of
8 the General Obligation Bond Act, so that, by State fiscal year
9 2011, the State is contributing at the rate otherwise required
10 under this Section.

11 (a-2) Beginning in fiscal year 2018, each employer under
12 this Article shall pay to the System a required contribution
13 determined as a percentage of projected payroll and sufficient
14 to produce an annual amount equal to:

15 (i) for each of fiscal years 2018, 2019, and 2020, the
16 defined benefit normal cost of the defined benefit plan,
17 less the employee contribution, for each employee of that
18 employer who has elected or who is deemed to have elected
19 the benefits under Section 1-161 or who has made the
20 election under subsection (c) of Section 1-161; for fiscal
21 year 2021 and each fiscal year thereafter, the defined
22 benefit normal cost of the defined benefit plan, less the
23 employee contribution, plus 2%, for each employee of that
24 employer who has elected or who is deemed to have elected
25 the benefits under Section 1-161 or who has made the
26 election under subsection (c) of Section 1-161; plus

1 (ii) the amount required for that fiscal year to
2 amortize any unfunded actuarial accrued liability
3 associated with the present value of liabilities
4 attributable to the employer's account under Section
5 15-155.2, determined as a level percentage of payroll over
6 a 30-year rolling amortization period.

7 In determining contributions required under item (i) of
8 this subsection, the System shall determine an aggregate rate
9 for all employers, expressed as a percentage of projected
10 payroll.

11 In determining the contributions required under item (ii)
12 of this subsection, the amount shall be computed by the System
13 on the basis of the actuarial assumptions and tables used in
14 the most recent actuarial valuation of the System that is
15 available at the time of the computation.

16 The contributions required under this subsection (a-2)
17 shall be paid by an employer concurrently with that employer's
18 payroll payment period. The State, as the actual employer of an
19 employee, shall make the required contributions under this
20 subsection.

21 As used in this subsection, "academic year" means the
22 12-month period beginning September 1.

23 (b) If an employee is paid from trust or federal funds, the
24 employer shall pay to the Board contributions from those funds
25 which are sufficient to cover the accruing normal costs on
26 behalf of the employee. However, universities having employees

1 who are compensated out of local auxiliary funds, income funds,
2 or service enterprise funds are not required to pay such
3 contributions on behalf of those employees. The local auxiliary
4 funds, income funds, and service enterprise funds of
5 universities shall not be considered trust funds for the
6 purpose of this Article, but funds of alumni associations,
7 foundations, and athletic associations which are affiliated
8 with the universities included as employers under this Article
9 and other employers which do not receive State appropriations
10 are considered to be trust funds for the purpose of this
11 Article.

12 (b-1) The City of Urbana and the City of Champaign shall
13 each make employer contributions to this System for their
14 respective firefighter employees who participate in this
15 System pursuant to subsection (h) of Section 15-107. The rate
16 of contributions to be made by those municipalities shall be
17 determined annually by the Board on the basis of the actuarial
18 assumptions adopted by the Board and the recommendations of the
19 actuary, and shall be expressed as a percentage of salary for
20 each such employee. The Board shall certify the rate to the
21 affected municipalities as soon as may be practical. The
22 employer contributions required under this subsection shall be
23 remitted by the municipality to the System at the same time and
24 in the same manner as employee contributions.

25 (c) Through State fiscal year 1995: The total employer
26 contribution shall be apportioned among the various funds of

1 the State and other employers, whether trust, federal, or other
2 funds, in accordance with actuarial procedures approved by the
3 Board. State of Illinois contributions for employers receiving
4 State appropriations for personal services shall be payable
5 from appropriations made to the employers or to the System. The
6 contributions for Class I community colleges covering earnings
7 other than those paid from trust and federal funds, shall be
8 payable solely from appropriations to the Illinois Community
9 College Board or the System for employer contributions.

10 (d) Beginning in State fiscal year 1996, the required State
11 contributions to the System shall be appropriated directly to
12 the System and shall be payable through vouchers issued in
13 accordance with subsection (c) of Section 15-165, except as
14 provided in subsection (g).

15 (e) The State Comptroller shall draw warrants payable to
16 the System upon proper certification by the System or by the
17 employer in accordance with the appropriation laws and this
18 Code.

19 (f) Normal costs under this Section means liability for
20 pensions and other benefits which accrues to the System because
21 of the credits earned for service rendered by the participants
22 during the fiscal year and expenses of administering the
23 System, but shall not include the principal of or any
24 redemption premium or interest on any bonds issued by the Board
25 or any expenses incurred or deposits required in connection
26 therewith.

1 (g) If ~~June 4, 2018 (Public Act 100-587)~~ the amount of a
2 participant's earnings for any academic year used to determine
3 the final rate of earnings, determined on a full-time
4 equivalent basis, exceeds the amount of his or her earnings
5 with the same employer for the previous academic year,
6 determined on a full-time equivalent basis, by more than 6%,
7 the participant's employer shall pay to the System, in addition
8 to all other payments required under this Section and in
9 accordance with guidelines established by the System, the
10 present value of the increase in benefits resulting from the
11 portion of the increase in earnings that is in excess of 6%.
12 This present value shall be computed by the System on the basis
13 of the actuarial assumptions and tables used in the most recent
14 actuarial valuation of the System that is available at the time
15 of the computation. The System may require the employer to
16 provide any pertinent information or documentation.

17 Whenever it determines that a payment is or may be required
18 under this subsection (g), the System shall calculate the
19 amount of the payment and bill the employer for that amount.
20 The bill shall specify the calculations used to determine the
21 amount due. If the employer disputes the amount of the bill, it
22 may, within 30 days after receipt of the bill, apply to the
23 System in writing for a recalculation. The application must
24 specify in detail the grounds of the dispute and, if the
25 employer asserts that the calculation is subject to subsection
26 (h) or (i) of this Section, must include an affidavit setting

1 forth and attesting to all facts within the employer's
2 knowledge that are pertinent to the applicability of that
3 subsection. Upon receiving a timely application for
4 recalculation, the System shall review the application and, if
5 appropriate, recalculate the amount due.

6 The employer contributions required under this subsection
7 (g) may be paid in the form of a lump sum within 90 days after
8 receipt of the bill. If the employer contributions are not paid
9 within 90 days after receipt of the bill, then interest will be
10 charged at a rate equal to the System's annual actuarially
11 assumed rate of return on investment compounded annually from
12 the 91st day after receipt of the bill. Payments must be
13 concluded within 3 years after the employer's receipt of the
14 bill.

15 When assessing payment for any amount due under this
16 subsection (g), the System shall include earnings, to the
17 extent not established by a participant under Section 15-113.11
18 or 15-113.12, that would have been paid to the participant had
19 the participant not taken (i) periods of voluntary or
20 involuntary furlough occurring on or after July 1, 2015 and on
21 or before June 30, 2017 or (ii) periods of voluntary pay
22 reduction in lieu of furlough occurring on or after July 1,
23 2015 and on or before June 30, 2017. Determining earnings that
24 would have been paid to a participant had the participant not
25 taken periods of voluntary or involuntary furlough or periods
26 of voluntary pay reduction shall be the responsibility of the

1 employer, and shall be reported in a manner prescribed by the
2 System.

3 This subsection (g) does not apply to (1) Tier 2 hybrid
4 plan members and (2) Tier 2 defined benefit members who first
5 participate under this Article on or after the implementation
6 date of the Optional Hybrid Plan.

7 (g-1) (Blank). ~~June 4, 2018 (Public Act 100-587)~~

8 (h) This subsection (h) applies only to payments made or
9 salary increases given on or after June 1, 2005 but before July
10 1, 2011. The changes made by Public Act 94-1057 shall not
11 require the System to refund any payments received before July
12 31, 2006 (the effective date of Public Act 94-1057).

13 When assessing payment for any amount due under subsection
14 (g), the System shall exclude earnings increases paid to
15 participants under contracts or collective bargaining
16 agreements entered into, amended, or renewed before June 1,
17 2005.

18 When assessing payment for any amount due under subsection
19 (g), the System shall exclude earnings increases paid to a
20 participant at a time when the participant is 10 or more years
21 from retirement eligibility under Section 15-135.

22 When assessing payment for any amount due under subsection
23 (g), the System shall exclude earnings increases resulting from
24 overload work, including a contract for summer teaching, or
25 overtime when the employer has certified to the System, and the
26 System has approved the certification, that: (i) in the case of

1 overloads (A) the overload work is for the sole purpose of
2 academic instruction in excess of the standard number of
3 instruction hours for a full-time employee occurring during the
4 academic year that the overload is paid and (B) the earnings
5 increases are equal to or less than the rate of pay for
6 academic instruction computed using the participant's current
7 salary rate and work schedule; and (ii) in the case of
8 overtime, the overtime was necessary for the educational
9 mission.

10 When assessing payment for any amount due under subsection
11 (g), the System shall exclude any earnings increase resulting
12 from (i) a promotion for which the employee moves from one
13 classification to a higher classification under the State
14 Universities Civil Service System, (ii) a promotion in academic
15 rank for a tenured or tenure-track faculty position, or (iii) a
16 promotion that the Illinois Community College Board has
17 recommended in accordance with subsection (k) of this Section.
18 These earnings increases shall be excluded only if the
19 promotion is to a position that has existed and been filled by
20 a member for no less than one complete academic year and the
21 earnings increase as a result of the promotion is an increase
22 that results in an amount no greater than the average salary
23 paid for other similar positions.

24 (i) When assessing payment for any amount due under
25 subsection (g), the System shall exclude any salary increase
26 described in subsection (h) of this Section given on or after

1 July 1, 2011 but before July 1, 2014 under a contract or
2 collective bargaining agreement entered into, amended, or
3 renewed on or after June 1, 2005 but before July 1, 2011.
4 Notwithstanding any other provision of this Section, any
5 payments made or salary increases given after June 30, 2014
6 shall be used in assessing payment for any amount due under
7 subsection (g) of this Section.

8 (j) The System shall prepare a report and file copies of
9 the report with the Governor and the General Assembly by
10 January 1, 2007 that contains all of the following information:

11 (1) The number of recalculations required by the
12 changes made to this Section by Public Act 94-1057 for each
13 employer.

14 (2) The dollar amount by which each employer's
15 contribution to the System was changed due to
16 recalculations required by Public Act 94-1057.

17 (3) The total amount the System received from each
18 employer as a result of the changes made to this Section by
19 Public Act 94-4.

20 (4) The increase in the required State contribution
21 resulting from the changes made to this Section by Public
22 Act 94-1057.

23 (j-5) For State fiscal years beginning on or after July 1,
24 2017, if the amount of a participant's earnings for any State
25 fiscal year exceeds the amount of the salary set by law for the
26 Governor that is in effect on July 1 of that fiscal year, the

1 participant's employer shall pay to the System, in addition to
2 all other payments required under this Section and in
3 accordance with guidelines established by the System, an amount
4 determined by the System to be equal to the employer normal
5 cost, as established by the System and expressed as a total
6 percentage of payroll, multiplied by the amount of earnings in
7 excess of the amount of the salary set by law for the Governor.
8 This amount shall be computed by the System on the basis of the
9 actuarial assumptions and tables used in the most recent
10 actuarial valuation of the System that is available at the time
11 of the computation. The System may require the employer to
12 provide any pertinent information or documentation.

13 Whenever it determines that a payment is or may be required
14 under this subsection, the System shall calculate the amount of
15 the payment and bill the employer for that amount. The bill
16 shall specify the calculation used to determine the amount due.
17 If the employer disputes the amount of the bill, it may, within
18 30 days after receipt of the bill, apply to the System in
19 writing for a recalculation. The application must specify in
20 detail the grounds of the dispute. Upon receiving a timely
21 application for recalculation, the System shall review the
22 application and, if appropriate, recalculate the amount due.

23 The employer contributions required under this subsection
24 may be paid in the form of a lump sum within 90 days after
25 issuance of the bill. If the employer contributions are not
26 paid within 90 days after issuance of the bill, then interest

1 will be charged at a rate equal to the System's annual
2 actuarially assumed rate of return on investment compounded
3 annually from the 91st day after issuance of the bill. All
4 payments must be received within 3 years after issuance of the
5 bill. If the employer fails to make complete payment, including
6 applicable interest, within 3 years, then the System may, after
7 giving notice to the employer, certify the delinquent amount to
8 the State Comptroller, and the Comptroller shall thereupon
9 deduct the certified delinquent amount from State funds payable
10 to the employer and pay them instead to the System.

11 This subsection (j-5) does not apply to a participant's
12 earnings to the extent an employer pays the employer normal
13 cost of such earnings.

14 The changes made to this subsection (j-5) by Public Act
15 100-624 are intended to apply retroactively to July 6, 2017
16 (the effective date of Public Act 100-23).

17 (k) The Illinois Community College Board shall adopt rules
18 for recommending lists of promotional positions submitted to
19 the Board by community colleges and for reviewing the
20 promotional lists on an annual basis. When recommending
21 promotional lists, the Board shall consider the similarity of
22 the positions submitted to those positions recognized for State
23 universities by the State Universities Civil Service System.
24 The Illinois Community College Board shall file a copy of its
25 findings with the System. The System shall consider the
26 findings of the Illinois Community College Board when making

1 determinations under this Section. The System shall not exclude
2 any earnings increases resulting from a promotion when the
3 promotion was not submitted by a community college. Nothing in
4 this subsection (k) shall require any community college to
5 submit any information to the Community College Board.

6 (l) For purposes of determining the required State
7 contribution to the System, the value of the System's assets
8 shall be equal to the actuarial value of the System's assets,
9 which shall be calculated as follows:

10 As of June 30, 2008, the actuarial value of the System's
11 assets shall be equal to the market value of the assets as of
12 that date. In determining the actuarial value of the System's
13 assets for fiscal years after June 30, 2008, any actuarial
14 gains or losses from investment return incurred in a fiscal
15 year shall be recognized in equal annual amounts over the
16 5-year period following that fiscal year.

17 (m) For purposes of determining the required State
18 contribution to the system for a particular year, the actuarial
19 value of assets shall be assumed to earn a rate of return equal
20 to the system's actuarially assumed rate of return.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
22 100-624, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.
23 7-12-19; revised 8-6-19.)

24 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

25 Sec. 16-158. Contributions by State and other employing

1 units.

2 (a) The State shall make contributions to the System by
3 means of appropriations from the Common School Fund and other
4 State funds of amounts which, together with other employer
5 contributions, employee contributions, investment income, and
6 other income, will be sufficient to meet the cost of
7 maintaining and administering the System on a 90% funded basis
8 in accordance with actuarial recommendations.

9 The Board shall determine the amount of State contributions
10 required for each fiscal year on the basis of the actuarial
11 tables and other assumptions adopted by the Board and the
12 recommendations of the actuary, using the formula in subsection
13 (b-3).

14 (a-1) Annually, on or before November 15 until November 15,
15 2011, the Board shall certify to the Governor the amount of the
16 required State contribution for the coming fiscal year. The
17 certification under this subsection (a-1) shall include a copy
18 of the actuarial recommendations upon which it is based and
19 shall specifically identify the System's projected State
20 normal cost for that fiscal year.

21 On or before May 1, 2004, the Board shall recalculate and
22 recertify to the Governor the amount of the required State
23 contribution to the System for State fiscal year 2005, taking
24 into account the amounts appropriated to and received by the
25 System under subsection (d) of Section 7.2 of the General
26 Obligation Bond Act.

1 On or before July 1, 2005, the Board shall recalculate and
2 recertify to the Governor the amount of the required State
3 contribution to the System for State fiscal year 2006, taking
4 into account the changes in required State contributions made
5 by Public Act 94-4.

6 On or before April 1, 2011, the Board shall recalculate and
7 recertify to the Governor the amount of the required State
8 contribution to the System for State fiscal year 2011, applying
9 the changes made by Public Act 96-889 to the System's assets
10 and liabilities as of June 30, 2009 as though Public Act 96-889
11 was approved on that date.

12 (a-5) On or before November 1 of each year, beginning
13 November 1, 2012, the Board shall submit to the State Actuary,
14 the Governor, and the General Assembly a proposed certification
15 of the amount of the required State contribution to the System
16 for the next fiscal year, along with all of the actuarial
17 assumptions, calculations, and data upon which that proposed
18 certification is based. On or before January 1 of each year,
19 beginning January 1, 2013, the State Actuary shall issue a
20 preliminary report concerning the proposed certification and
21 identifying, if necessary, recommended changes in actuarial
22 assumptions that the Board must consider before finalizing its
23 certification of the required State contributions. On or before
24 January 15, 2013 and each January 15 thereafter, the Board
25 shall certify to the Governor and the General Assembly the
26 amount of the required State contribution for the next fiscal

1 year. The Board's certification must note any deviations from
2 the State Actuary's recommended changes, the reason or reasons
3 for not following the State Actuary's recommended changes, and
4 the fiscal impact of not following the State Actuary's
5 recommended changes on the required State contribution.

6 (a-10) By November 1, 2017, the Board shall recalculate and
7 recertify to the State Actuary, the Governor, and the General
8 Assembly the amount of the State contribution to the System for
9 State fiscal year 2018, taking into account the changes in
10 required State contributions made by Public Act 100-23. The
11 State Actuary shall review the assumptions and valuations
12 underlying the Board's revised certification and issue a
13 preliminary report concerning the proposed recertification and
14 identifying, if necessary, recommended changes in actuarial
15 assumptions that the Board must consider before finalizing its
16 certification of the required State contributions. The Board's
17 final certification must note any deviations from the State
18 Actuary's recommended changes, the reason or reasons for not
19 following the State Actuary's recommended changes, and the
20 fiscal impact of not following the State Actuary's recommended
21 changes on the required State contribution.

22 (a-15) On or after June 15, 2019, but no later than June
23 30, 2019, the Board shall recalculate and recertify to the
24 Governor and the General Assembly the amount of the State
25 contribution to the System for State fiscal year 2019, taking
26 into account the changes in required State contributions made

1 by Public Act 100-587. The recalculation shall be made using
2 assumptions adopted by the Board for the original fiscal year
3 2019 certification. The monthly voucher for the 12th month of
4 fiscal year 2019 shall be paid by the Comptroller after the
5 recertification required pursuant to this subsection is
6 submitted to the Governor, Comptroller, and General Assembly.
7 The recertification submitted to the General Assembly shall be
8 filed with the Clerk of the House of Representatives and the
9 Secretary of the Senate in electronic form only, in the manner
10 that the Clerk and the Secretary shall direct.

11 (b) Through State fiscal year 1995, the State contributions
12 shall be paid to the System in accordance with Section 18-7 of
13 the School Code.

14 (b-1) Beginning in State fiscal year 1996, on the 15th day
15 of each month, or as soon thereafter as may be practicable, the
16 Board shall submit vouchers for payment of State contributions
17 to the System, in a total monthly amount of one-twelfth of the
18 required annual State contribution certified under subsection
19 (a-1). From March 5, 2004 (the effective date of Public Act
20 93-665) through June 30, 2004, the Board shall not submit
21 vouchers for the remainder of fiscal year 2004 in excess of the
22 fiscal year 2004 certified contribution amount determined
23 under this Section after taking into consideration the transfer
24 to the System under subsection (a) of Section 6z-61 of the
25 State Finance Act. These vouchers shall be paid by the State
26 Comptroller and Treasurer by warrants drawn on the funds

1 appropriated to the System for that fiscal year.

2 If in any month the amount remaining unexpended from all
3 other appropriations to the System for the applicable fiscal
4 year (including the appropriations to the System under Section
5 8.12 of the State Finance Act and Section 1 of the State
6 Pension Funds Continuing Appropriation Act) is less than the
7 amount lawfully vouchered under this subsection, the
8 difference shall be paid from the Common School Fund under the
9 continuing appropriation authority provided in Section 1.1 of
10 the State Pension Funds Continuing Appropriation Act.

11 (b-2) Allocations from the Common School Fund apportioned
12 to school districts not coming under this System shall not be
13 diminished or affected by the provisions of this Article.

14 (b-3) For State fiscal years 2012 through 2045, the minimum
15 contribution to the System to be made by the State for each
16 fiscal year shall be an amount determined by the System to be
17 sufficient to bring the total assets of the System up to 90% of
18 the total actuarial liabilities of the System by the end of
19 State fiscal year 2045. In making these determinations, the
20 required State contribution shall be calculated each year as a
21 level percentage of payroll over the years remaining to and
22 including fiscal year 2045 and shall be determined under the
23 projected unit credit actuarial cost method.

24 For each of State fiscal years 2018, 2019, and 2020, the
25 State shall make an additional contribution to the System equal
26 to 2% of the total payroll of each employee who is deemed to

1 have elected the benefits under Section 1-161 or who has made
2 the election under subsection (c) of Section 1-161.

3 A change in an actuarial or investment assumption that
4 increases or decreases the required State contribution and
5 first applies in State fiscal year 2018 or thereafter shall be
6 implemented in equal annual amounts over a 5-year period
7 beginning in the State fiscal year in which the actuarial
8 change first applies to the required State contribution.

9 A change in an actuarial or investment assumption that
10 increases or decreases the required State contribution and
11 first applied to the State contribution in fiscal year 2014,
12 2015, 2016, or 2017 shall be implemented:

13 (i) as already applied in State fiscal years before
14 2018; and

15 (ii) in the portion of the 5-year period beginning in
16 the State fiscal year in which the actuarial change first
17 applied that occurs in State fiscal year 2018 or
18 thereafter, by calculating the change in equal annual
19 amounts over that 5-year period and then implementing it at
20 the resulting annual rate in each of the remaining fiscal
21 years in that 5-year period.

22 For State fiscal years 1996 through 2005, the State
23 contribution to the System, as a percentage of the applicable
24 employee payroll, shall be increased in equal annual increments
25 so that by State fiscal year 2011, the State is contributing at
26 the rate required under this Section; except that in the

1 following specified State fiscal years, the State contribution
2 to the System shall not be less than the following indicated
3 percentages of the applicable employee payroll, even if the
4 indicated percentage will produce a State contribution in
5 excess of the amount otherwise required under this subsection
6 and subsection (a), and notwithstanding any contrary
7 certification made under subsection (a-1) before May 27, 1998
8 (the effective date of Public Act 90-582): 10.02% in FY 1999;
9 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86%
10 in FY 2003; and 13.56% in FY 2004.

11 Notwithstanding any other provision of this Article, the
12 total required State contribution for State fiscal year 2006 is
13 \$534,627,700.

14 Notwithstanding any other provision of this Article, the
15 total required State contribution for State fiscal year 2007 is
16 \$738,014,500.

17 For each of State fiscal years 2008 through 2009, the State
18 contribution to the System, as a percentage of the applicable
19 employee payroll, shall be increased in equal annual increments
20 from the required State contribution for State fiscal year
21 2007, so that by State fiscal year 2011, the State is
22 contributing at the rate otherwise required under this Section.

23 Notwithstanding any other provision of this Article, the
24 total required State contribution for State fiscal year 2010 is
25 \$2,089,268,000 and shall be made from the proceeds of bonds
26 sold in fiscal year 2010 pursuant to Section 7.2 of the General

1 Obligation Bond Act, less (i) the pro rata share of bond sale
2 expenses determined by the System's share of total bond
3 proceeds, (ii) any amounts received from the Common School Fund
4 in fiscal year 2010, and (iii) any reduction in bond proceeds
5 due to the issuance of discounted bonds, if applicable.

6 Notwithstanding any other provision of this Article, the
7 total required State contribution for State fiscal year 2011 is
8 the amount recertified by the System on or before April 1, 2011
9 pursuant to subsection (a-1) of this Section and shall be made
10 from the proceeds of bonds sold in fiscal year 2011 pursuant to
11 Section 7.2 of the General Obligation Bond Act, less (i) the
12 pro rata share of bond sale expenses determined by the System's
13 share of total bond proceeds, (ii) any amounts received from
14 the Common School Fund in fiscal year 2011, and (iii) any
15 reduction in bond proceeds due to the issuance of discounted
16 bonds, if applicable. This amount shall include, in addition to
17 the amount certified by the System, an amount necessary to meet
18 employer contributions required by the State as an employer
19 under paragraph (e) of this Section, which may also be used by
20 the System for contributions required by paragraph (a) of
21 Section 16-127.

22 Beginning in State fiscal year 2046, the minimum State
23 contribution for each fiscal year shall be the amount needed to
24 maintain the total assets of the System at 90% of the total
25 actuarial liabilities of the System.

26 Amounts received by the System pursuant to Section 25 of

1 the Budget Stabilization Act or Section 8.12 of the State
2 Finance Act in any fiscal year do not reduce and do not
3 constitute payment of any portion of the minimum State
4 contribution required under this Article in that fiscal year.
5 Such amounts shall not reduce, and shall not be included in the
6 calculation of, the required State contributions under this
7 Article in any future year until the System has reached a
8 funding ratio of at least 90%. A reference in this Article to
9 the "required State contribution" or any substantially similar
10 term does not include or apply to any amounts payable to the
11 System under Section 25 of the Budget Stabilization Act.

12 Notwithstanding any other provision of this Section, the
13 required State contribution for State fiscal year 2005 and for
14 fiscal year 2008 and each fiscal year thereafter, as calculated
15 under this Section and certified under subsection (a-1), shall
16 not exceed an amount equal to (i) the amount of the required
17 State contribution that would have been calculated under this
18 Section for that fiscal year if the System had not received any
19 payments under subsection (d) of Section 7.2 of the General
20 Obligation Bond Act, minus (ii) the portion of the State's
21 total debt service payments for that fiscal year on the bonds
22 issued in fiscal year 2003 for the purposes of that Section
23 7.2, as determined and certified by the Comptroller, that is
24 the same as the System's portion of the total moneys
25 distributed under subsection (d) of Section 7.2 of the General
26 Obligation Bond Act. In determining this maximum for State

1 fiscal years 2008 through 2010, however, the amount referred to
2 in item (i) shall be increased, as a percentage of the
3 applicable employee payroll, in equal increments calculated
4 from the sum of the required State contribution for State
5 fiscal year 2007 plus the applicable portion of the State's
6 total debt service payments for fiscal year 2007 on the bonds
7 issued in fiscal year 2003 for the purposes of Section 7.2 of
8 the General Obligation Bond Act, so that, by State fiscal year
9 2011, the State is contributing at the rate otherwise required
10 under this Section.

11 (b-4) Beginning in fiscal year 2018, each employer under
12 this Article shall pay to the System a required contribution
13 determined as a percentage of projected payroll and sufficient
14 to produce an annual amount equal to:

15 (i) for each of fiscal years 2018, 2019, and 2020, the
16 defined benefit normal cost of the defined benefit plan,
17 less the employee contribution, for each employee of that
18 employer who has elected or who is deemed to have elected
19 the benefits under Section 1-161 or who has made the
20 election under subsection (b) of Section 1-161; for fiscal
21 year 2021 and each fiscal year thereafter, the defined
22 benefit normal cost of the defined benefit plan, less the
23 employee contribution, plus 2%, for each employee of that
24 employer who has elected or who is deemed to have elected
25 the benefits under Section 1-161 or who has made the
26 election under subsection (b) of Section 1-161; plus

1 (ii) the amount required for that fiscal year to
2 amortize any unfunded actuarial accrued liability
3 associated with the present value of liabilities
4 attributable to the employer's account under Section
5 16-158.3, determined as a level percentage of payroll over
6 a 30-year rolling amortization period.

7 In determining contributions required under item (i) of
8 this subsection, the System shall determine an aggregate rate
9 for all employers, expressed as a percentage of projected
10 payroll.

11 In determining the contributions required under item (ii)
12 of this subsection, the amount shall be computed by the System
13 on the basis of the actuarial assumptions and tables used in
14 the most recent actuarial valuation of the System that is
15 available at the time of the computation.

16 The contributions required under this subsection (b-4)
17 shall be paid by an employer concurrently with that employer's
18 payroll payment period. The State, as the actual employer of an
19 employee, shall make the required contributions under this
20 subsection.

21 (c) Payment of the required State contributions and of all
22 pensions, retirement annuities, death benefits, refunds, and
23 other benefits granted under or assumed by this System, and all
24 expenses in connection with the administration and operation
25 thereof, are obligations of the State.

26 If members are paid from special trust or federal funds

1 which are administered by the employing unit, whether school
2 district or other unit, the employing unit shall pay to the
3 System from such funds the full accruing retirement costs based
4 upon that service, which, beginning July 1, 2017, shall be at a
5 rate, expressed as a percentage of salary, equal to the total
6 employer's normal cost, expressed as a percentage of payroll,
7 as determined by the System. Employer contributions, based on
8 salary paid to members from federal funds, may be forwarded by
9 the distributing agency of the State of Illinois to the System
10 prior to allocation, in an amount determined in accordance with
11 guidelines established by such agency and the System. Any
12 contribution for fiscal year 2015 collected as a result of the
13 change made by Public Act 98-674 shall be considered a State
14 contribution under subsection (b-3) of this Section.

15 (d) Effective July 1, 1986, any employer of a teacher as
16 defined in paragraph (8) of Section 16-106 shall pay the
17 employer's normal cost of benefits based upon the teacher's
18 service, in addition to employee contributions, as determined
19 by the System. Such employer contributions shall be forwarded
20 monthly in accordance with guidelines established by the
21 System.

22 However, with respect to benefits granted under Section
23 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
24 of Section 16-106, the employer's contribution shall be 12%
25 (rather than 20%) of the member's highest annual salary rate
26 for each year of creditable service granted, and the employer

1 shall also pay the required employee contribution on behalf of
2 the teacher. For the purposes of Sections 16-133.4 and
3 16-133.5, a teacher as defined in paragraph (8) of Section
4 16-106 who is serving in that capacity while on leave of
5 absence from another employer under this Article shall not be
6 considered an employee of the employer from which the teacher
7 is on leave.

8 (e) Beginning July 1, 1998, every employer of a teacher
9 shall pay to the System an employer contribution computed as
10 follows:

11 (1) Beginning July 1, 1998 through June 30, 1999, the
12 employer contribution shall be equal to 0.3% of each
13 teacher's salary.

14 (2) Beginning July 1, 1999 and thereafter, the employer
15 contribution shall be equal to 0.58% of each teacher's
16 salary.

17 The school district or other employing unit may pay these
18 employer contributions out of any source of funding available
19 for that purpose and shall forward the contributions to the
20 System on the schedule established for the payment of member
21 contributions.

22 These employer contributions are intended to offset a
23 portion of the cost to the System of the increases in
24 retirement benefits resulting from Public Act 90-582.

25 Each employer of teachers is entitled to a credit against
26 the contributions required under this subsection (e) with

1 respect to salaries paid to teachers for the period January 1,
2 2002 through June 30, 2003, equal to the amount paid by that
3 employer under subsection (a-5) of Section 6.6 of the State
4 Employees Group Insurance Act of 1971 with respect to salaries
5 paid to teachers for that period.

6 The additional 1% employee contribution required under
7 Section 16-152 by Public Act 90-582 is the responsibility of
8 the teacher and not the teacher's employer, unless the employer
9 agrees, through collective bargaining or otherwise, to make the
10 contribution on behalf of the teacher.

11 If an employer is required by a contract in effect on May
12 1, 1998 between the employer and an employee organization to
13 pay, on behalf of all its full-time employees covered by this
14 Article, all mandatory employee contributions required under
15 this Article, then the employer shall be excused from paying
16 the employer contribution required under this subsection (e)
17 for the balance of the term of that contract. The employer and
18 the employee organization shall jointly certify to the System
19 the existence of the contractual requirement, in such form as
20 the System may prescribe. This exclusion shall cease upon the
21 termination, extension, or renewal of the contract at any time
22 after May 1, 1998.

23 (f) If ~~June 4, 2018 (Public Act 100-587)~~ the amount of a
24 teacher's salary for any school year used to determine final
25 average salary exceeds the member's annual full-time salary
26 rate with the same employer for the previous school year by

1 more than 6%, the teacher's employer shall pay to the System,
2 in addition to all other payments required under this Section
3 and in accordance with guidelines established by the System,
4 the present value of the increase in benefits resulting from
5 the portion of the increase in salary that is in excess of 6%.
6 This present value shall be computed by the System on the basis
7 of the actuarial assumptions and tables used in the most recent
8 actuarial valuation of the System that is available at the time
9 of the computation. If a teacher's salary for the 2005-2006
10 school year is used to determine final average salary under
11 this subsection (f), then the changes made to this subsection
12 (f) by Public Act 94-1057 shall apply in calculating whether
13 the increase in his or her salary is in excess of 6%. For the
14 purposes of this Section, change in employment under Section
15 10-21.12 of the School Code on or after June 1, 2005 shall
16 constitute a change in employer. The System may require the
17 employer to provide any pertinent information or
18 documentation. The changes made to this subsection (f) by
19 Public Act 94-1111 apply without regard to whether the teacher
20 was in service on or after its effective date.

21 Whenever it determines that a payment is or may be required
22 under this subsection, the System shall calculate the amount of
23 the payment and bill the employer for that amount. The bill
24 shall specify the calculations used to determine the amount
25 due. If the employer disputes the amount of the bill, it may,
26 within 30 days after receipt of the bill, apply to the System

1 in writing for a recalculation. The application must specify in
2 detail the grounds of the dispute and, if the employer asserts
3 that the calculation is subject to subsection (g) or (h) of
4 this Section, must include an affidavit setting forth and
5 attesting to all facts within the employer's knowledge that are
6 pertinent to the applicability of that subsection. Upon
7 receiving a timely application for recalculation, the System
8 shall review the application and, if appropriate, recalculate
9 the amount due.

10 The employer contributions required under this subsection
11 (f) may be paid in the form of a lump sum within 90 days after
12 receipt of the bill. If the employer contributions are not paid
13 within 90 days after receipt of the bill, then interest will be
14 charged at a rate equal to the System's annual actuarially
15 assumed rate of return on investment compounded annually from
16 the 91st day after receipt of the bill. Payments must be
17 concluded within 3 years after the employer's receipt of the
18 bill.

19 (f-1) (Blank). ~~June 4, 2018 (Public Act 100-587)~~

20 (g) This subsection (g) applies only to payments made or
21 salary increases given on or after June 1, 2005 but before July
22 1, 2011. The changes made by Public Act 94-1057 shall not
23 require the System to refund any payments received before July
24 31, 2006 (the effective date of Public Act 94-1057).

25 When assessing payment for any amount due under subsection
26 (f), the System shall exclude salary increases paid to teachers

1 under contracts or collective bargaining agreements entered
2 into, amended, or renewed before June 1, 2005.

3 When assessing payment for any amount due under subsection
4 (f), the System shall exclude salary increases paid to a
5 teacher at a time when the teacher is 10 or more years from
6 retirement eligibility under Section 16-132 or 16-133.2.

7 When assessing payment for any amount due under subsection
8 (f), the System shall exclude salary increases resulting from
9 overload work, including summer school, when the school
10 district has certified to the System, and the System has
11 approved the certification, that (i) the overload work is for
12 the sole purpose of classroom instruction in excess of the
13 standard number of classes for a full-time teacher in a school
14 district during a school year and (ii) the salary increases are
15 equal to or less than the rate of pay for classroom instruction
16 computed on the teacher's current salary and work schedule.

17 When assessing payment for any amount due under subsection
18 (f), the System shall exclude a salary increase resulting from
19 a promotion (i) for which the employee is required to hold a
20 certificate or supervisory endorsement issued by the State
21 Teacher Certification Board that is a different certification
22 or supervisory endorsement than is required for the teacher's
23 previous position and (ii) to a position that has existed and
24 been filled by a member for no less than one complete academic
25 year and the salary increase from the promotion is an increase
26 that results in an amount no greater than the lesser of the

1 average salary paid for other similar positions in the district
2 requiring the same certification or the amount stipulated in
3 the collective bargaining agreement for a similar position
4 requiring the same certification.

5 When assessing payment for any amount due under subsection
6 (f), the System shall exclude any payment to the teacher from
7 the State of Illinois or the State Board of Education over
8 which the employer does not have discretion, notwithstanding
9 that the payment is included in the computation of final
10 average salary.

11 (h) When assessing payment for any amount due under
12 subsection (f), the System shall exclude any salary increase
13 described in subsection (g) of this Section given on or after
14 July 1, 2011 but before July 1, 2014 under a contract or
15 collective bargaining agreement entered into, amended, or
16 renewed on or after June 1, 2005 but before July 1, 2011.
17 Notwithstanding any other provision of this Section, any
18 payments made or salary increases given after June 30, 2014
19 shall be used in assessing payment for any amount due under
20 subsection (f) of this Section.

21 (i) The System shall prepare a report and file copies of
22 the report with the Governor and the General Assembly by
23 January 1, 2007 that contains all of the following information:

24 (1) The number of recalculations required by the
25 changes made to this Section by Public Act 94-1057 for each
26 employer.

1 (2) The dollar amount by which each employer's
2 contribution to the System was changed due to
3 recalculations required by Public Act 94-1057.

4 (3) The total amount the System received from each
5 employer as a result of the changes made to this Section by
6 Public Act 94-4.

7 (4) The increase in the required State contribution
8 resulting from the changes made to this Section by Public
9 Act 94-1057.

10 (i-5) For school years beginning on or after July 1, 2017,
11 if the amount of a participant's salary for any school year
12 exceeds the amount of the salary set for the Governor, the
13 participant's employer shall pay to the System, in addition to
14 all other payments required under this Section and in
15 accordance with guidelines established by the System, an amount
16 determined by the System to be equal to the employer normal
17 cost, as established by the System and expressed as a total
18 percentage of payroll, multiplied by the amount of salary in
19 excess of the amount of the salary set for the Governor. This
20 amount shall be computed by the System on the basis of the
21 actuarial assumptions and tables used in the most recent
22 actuarial valuation of the System that is available at the time
23 of the computation. The System may require the employer to
24 provide any pertinent information or documentation.

25 Whenever it determines that a payment is or may be required
26 under this subsection, the System shall calculate the amount of

1 the payment and bill the employer for that amount. The bill
2 shall specify the calculations used to determine the amount
3 due. If the employer disputes the amount of the bill, it may,
4 within 30 days after receipt of the bill, apply to the System
5 in writing for a recalculation. The application must specify in
6 detail the grounds of the dispute. Upon receiving a timely
7 application for recalculation, the System shall review the
8 application and, if appropriate, recalculate the amount due.

9 The employer contributions required under this subsection
10 may be paid in the form of a lump sum within 90 days after
11 receipt of the bill. If the employer contributions are not paid
12 within 90 days after receipt of the bill, then interest will be
13 charged at a rate equal to the System's annual actuarially
14 assumed rate of return on investment compounded annually from
15 the 91st day after receipt of the bill. Payments must be
16 concluded within 3 years after the employer's receipt of the
17 bill.

18 (j) For purposes of determining the required State
19 contribution to the System, the value of the System's assets
20 shall be equal to the actuarial value of the System's assets,
21 which shall be calculated as follows:

22 As of June 30, 2008, the actuarial value of the System's
23 assets shall be equal to the market value of the assets as of
24 that date. In determining the actuarial value of the System's
25 assets for fiscal years after June 30, 2008, any actuarial
26 gains or losses from investment return incurred in a fiscal

1 year shall be recognized in equal annual amounts over the
2 5-year period following that fiscal year.

3 (k) For purposes of determining the required State
4 contribution to the system for a particular year, the actuarial
5 value of assets shall be assumed to earn a rate of return equal
6 to the system's actuarially assumed rate of return.

7 (Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17;
8 100-587, eff. 6-4-18; 100-624, eff. 7-20-18; 100-863, eff.
9 8-14-18; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; revised
10 8-13-19.)

11 (40 ILCS 5/16-190.5)

12 Sec. 16-190.5. Accelerated pension benefit payment in lieu
13 of any pension benefit.

14 (a) As used in this Section:

15 "Eligible person" means a person who:

16 (1) has terminated service;

17 (2) has accrued sufficient service credit to be
18 eligible to receive a retirement annuity under this
19 Article;

20 (3) has not received any retirement annuity under this
21 Article; and

22 (4) has not made the election under Section 16-190.6.

23 "Pension benefit" means the benefits under this Article, or
24 Article 1 as it relates to those benefits, including any
25 anticipated annual increases, that an eligible person is

1 entitled to upon attainment of the applicable retirement age.
2 "Pension benefit" also includes applicable survivor's or
3 disability benefits.

4 (b) As soon as practical after June 4, 2018 (the effective
5 date of Public Act 100-587), the System shall calculate, using
6 actuarial tables and other assumptions adopted by the Board,
7 the present value of pension benefits for each eligible person
8 who requests that information and shall offer each eligible
9 person the opportunity to irrevocably elect to receive an
10 amount determined by the System to be equal to 60% of the
11 present value of his or her pension benefits in lieu of
12 receiving any pension benefit. The offer shall specify the
13 dollar amount that the eligible person will receive if he or
14 she so elects and shall expire when a subsequent offer is made
15 to an eligible person. The System shall make a good faith
16 effort to contact every eligible person to notify him or her of
17 the election.

18 Until June 30, 2024, an eligible person may irrevocably
19 elect to receive an accelerated pension benefit payment in the
20 amount that the System offers under this subsection in lieu of
21 receiving any pension benefit. A person who elects to receive
22 an accelerated pension benefit payment under this Section may
23 not elect to proceed under the Retirement Systems Reciprocal
24 Act with respect to service under this Article.

25 (c) A person's creditable service under this Article shall
26 be terminated upon the person's receipt of an accelerated

1 pension benefit payment under this Section, and no other
2 benefit shall be paid under this Article based on the
3 terminated creditable service, including any retirement,
4 survivor, or other benefit; except that to the extent that
5 participation, benefits, or premiums under the State Employees
6 Group Insurance Act of 1971 are based on the amount of service
7 credit, the terminated service credit shall be used for that
8 purpose.

9 (d) If a person who has received an accelerated pension
10 benefit payment under this Section returns to active service
11 under this Article, then:

12 (1) Any benefits under the System earned as a result of
13 that return to active service shall be based solely on the
14 person's creditable service arising from the return to
15 active service.

16 (2) The accelerated pension benefit payment may not be
17 repaid to the System, and the terminated creditable service
18 may not under any circumstances be reinstated.

19 (e) As a condition of receiving an accelerated pension
20 benefit payment, the accelerated pension benefit payment must
21 be transferred into a tax qualified retirement plan or account.
22 The accelerated pension benefit payment under this Section may
23 be subject to withholding or payment of applicable taxes, but
24 to the extent permitted by federal law, a person who receives
25 an accelerated pension benefit payment under this Section must
26 direct the System to pay all of that payment as a rollover into

1 another retirement plan or account qualified under the Internal
2 Revenue Code of 1986, as amended.

3 (f) Upon receipt of a member's irrevocable election to
4 receive an accelerated pension benefit payment under this
5 Section, the System shall submit a voucher to the Comptroller
6 for payment of the member's accelerated pension benefit
7 payment. The Comptroller shall transfer the amount of the
8 voucher from the State Pension Obligation Acceleration Bond
9 Fund to the System, and the System shall transfer the amount
10 into the member's eligible retirement plan or qualified
11 account.

12 (g) The Board shall adopt any rules, including emergency
13 rules, necessary to implement this Section.

14 (h) No provision of Public Act 100-587 ~~this amendatory Act~~
15 ~~of the 100th General Assembly~~ shall be interpreted in a way
16 that would cause the applicable System to cease to be a
17 qualified plan under the Internal Revenue Code of 1986.

18 (Source: P.A. 100-587, eff. 6-4-18; 101-10, eff. 6-5-19;
19 revised 9-20-19.)

20 (40 ILCS 5/16-203)

21 Sec. 16-203. Application and expiration of new benefit
22 increases.

23 (a) As used in this Section, "new benefit increase" means
24 an increase in the amount of any benefit provided under this
25 Article, or an expansion of the conditions of eligibility for

1 any benefit under this Article, that results from an amendment
2 to this Code that takes effect after June 1, 2005 (the
3 effective date of Public Act 94-4). "New benefit increase",
4 however, does not include any benefit increase resulting from
5 the changes made to Article 1 or this Article by Public Act
6 95-910, Public Act 100-23, Public Act 100-587, Public Act
7 100-743, ~~or~~ Public Act 100-769, Public Act 101-10, or Public
8 Act 101-49 ~~or this amendatory Act of the 101st General~~
9 ~~Assembly.~~

10 (b) Notwithstanding any other provision of this Code or any
11 subsequent amendment to this Code, every new benefit increase
12 is subject to this Section and shall be deemed to be granted
13 only in conformance with and contingent upon compliance with
14 the provisions of this Section.

15 (c) The Public Act enacting a new benefit increase must
16 identify and provide for payment to the System of additional
17 funding at least sufficient to fund the resulting annual
18 increase in cost to the System as it accrues.

19 Every new benefit increase is contingent upon the General
20 Assembly providing the additional funding required under this
21 subsection. The Commission on Government Forecasting and
22 Accountability shall analyze whether adequate additional
23 funding has been provided for the new benefit increase and
24 shall report its analysis to the Public Pension Division of the
25 Department of Insurance. A new benefit increase created by a
26 Public Act that does not include the additional funding

1 required under this subsection is null and void. If the Public
2 Pension Division determines that the additional funding
3 provided for a new benefit increase under this subsection is or
4 has become inadequate, it may so certify to the Governor and
5 the State Comptroller and, in the absence of corrective action
6 by the General Assembly, the new benefit increase shall expire
7 at the end of the fiscal year in which the certification is
8 made.

9 (d) Every new benefit increase shall expire 5 years after
10 its effective date or on such earlier date as may be specified
11 in the language enacting the new benefit increase or provided
12 under subsection (c). This does not prevent the General
13 Assembly from extending or re-creating a new benefit increase
14 by law.

15 (e) Except as otherwise provided in the language creating
16 the new benefit increase, a new benefit increase that expires
17 under this Section continues to apply to persons who applied
18 and qualified for the affected benefit while the new benefit
19 increase was in effect and to the affected beneficiaries and
20 alternate payees of such persons, but does not apply to any
21 other person, including, without limitation, a person who
22 continues in service after the expiration date and did not
23 apply and qualify for the affected benefit while the new
24 benefit increase was in effect.

25 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
26 100-743, eff. 8-10-18; 100-769, eff. 8-10-18; 101-10, eff.

1 6-5-19; 101-49, eff. 7-12-19; 101-81, eff. 7-12-19; revised
2 8-13-19.)

3 Section 220. The Local Government Antitrust Exemption Act
4 is amended by changing Section 1 as follows:

5 (50 ILCS 35/1) (from Ch. 85, par. 2901)

6 Sec. 1. (a) The General Assembly declares that it is in the
7 interest of the people of Illinois that decisions regarding
8 provision of local services and regulation of local activities
9 should be made at the local level where possible, to the extent
10 authorized by the General Assembly or the Illinois
11 Constitution. It is and has long been the policy of the State
12 that such decisions be made by local government units as
13 authorized by State statute and the Illinois Constitution. The
14 General Assembly intends that actions permitted, either
15 expressly or by necessary implication, by State statute or the
16 Illinois Constitution be considered affirmatively authorized
17 for subsidiary units of government.

18 Inasmuch as the grant of home rule ~~home rule~~ authority in
19 the Illinois Constitution, Article VII, Section 6 was
20 intentionally made broad so as to avoid unduly restricting its
21 exercise, the scope of the home rule ~~home rule~~ powers cannot be
22 precisely described. The General Assembly intends that all
23 actions which are either (1) granted to home rule ~~home rule~~
24 units, whether expressly or by necessary implication or (2)

1 within traditional areas of local government activity, except
2 as limited by the Illinois Constitution or a proper limiting
3 statute, be considered affirmatively authorized for home rule
4 ~~home-rule~~ units of government.

5 The General Assembly intends that the "State action
6 exemption" to application of the federal antitrust laws be
7 fully available to local governments to the extent their
8 activities are either (1) expressly or by necessary implication
9 authorized by Illinois law or (2) within traditional areas of
10 local governmental activity.

11 The "State action exemption" for which provision is made by
12 this Section shall be liberally construed in favor of local
13 governments, the agents, employees and officers thereof and
14 such exemption shall be available notwithstanding that the
15 action of the municipality or its agents, officers or employees
16 constitutes an irregular exercise of constitutional or
17 statutory powers. However, this exemption shall not apply where
18 the action alleged to be in violation of antitrust law exceeds
19 either (1) powers granted, either expressly or by necessary
20 implication, by Illinois statute or the Illinois Constitution
21 or (2) powers granted to a home rule municipality to perform
22 any function pertaining to its government and affairs or to act
23 within traditional areas of municipal activity, except as
24 limited by the Illinois Constitution or a proper limiting
25 statute.

26 (b) It is the policy of this State that all powers granted,

1 either expressly or by necessary implication by any Illinois
2 statute or by the Illinois Constitution to any Library
3 District, its officers, employees and agents may be exercised
4 by any such Library District, its officers, agents and
5 employees notwithstanding effects on competition. It is the
6 intention of the General Assembly that the "State action
7 exemption" to the application of federal antitrust statutes be
8 fully available to any such Library District, its officers,
9 agents and employees to the extent they are exercising
10 authority pursuant to law.

11 (c) It is the policy of this State that all powers granted,
12 either expressly or by necessary implication by any Illinois
13 statute or by the Illinois Constitution to any Sanitary
14 District, its officers, employees and agents may be exercised
15 by any Sanitary District, its officers, agents and employees
16 notwithstanding effects on competition. It is the intention of
17 the General Assembly that the "State action exemption" to the
18 application of federal antitrust statutes be fully available to
19 any such Sanitary District, its officers, agents and employees
20 to the extent they are exercising authority pursuant to law.

21 (d) It is the policy of this State that all powers granted,
22 either expressly or by necessary implication by any Illinois
23 statute or by the Illinois Constitution to any Park District
24 and its officers, employees and agents may be exercised by any
25 such Park District, its officers, agents and employees
26 notwithstanding effects on competition. It is the intention of

1 the General Assembly that the "State action exemption" to the
2 application of federal antitrust statutes be fully available to
3 any such Park District, its officers, agents and employees to
4 the extent they are exercising authority pursuant to law.

5 (e) Notwithstanding the foregoing, where it is alleged that
6 a violation of the antitrust laws has occurred, the relief
7 available to the plaintiffs shall be limited to an injunction
8 which enjoins the alleged activity.

9 (f) Nothing in this Section is intended to prohibit or
10 limit any cause of action other than under an antitrust theory.
11 (Source: P.A. 84-1050; revised 9-20-19.)

12 Section 225. The Property Assessed Clean Energy Act is
13 amended by changing Sections 15 and 20 as follows:

14 (50 ILCS 50/15)

15 Sec. 15. Program established.

16 (a) To establish a property assessed clean energy program,
17 the governing body shall adopt a resolution or ordinance that
18 includes all of the following:

19 (1) a finding that the financing or refinancing of
20 energy projects is a valid public purpose;

21 (2) a statement of intent to facilitate access to
22 capital (which may be from one or more program
23 administrators or as otherwise permitted by this Act) to
24 provide funds for energy projects, which will be repaid by

1 assessments on the property benefited with the agreement of
2 the record owners;

3 (3) a description of the proposed arrangements for
4 financing the program through the issuance of PACE bonds
5 under or in accordance with Section 35, which PACE bonds
6 may be purchased by one or more capital providers;

7 (4) the types of energy projects that may be financed
8 or refinanced;

9 (5) a description of the territory within the PACE
10 area;

11 (6) a transcript of public comments if any
12 discretionary public hearing on the proposed program was
13 previously held by the governmental unit prior to the
14 consideration of the resolution or ordinance establishing
15 the program; and~~+~~

16 ~~(7) (blank);~~

17 (7) ~~(8)~~ the report on the proposed program as described
18 in Section 20; for this purpose, the resolution or
19 ordinance may incorporate the report or an amended version
20 thereof by reference and shall be available for public
21 inspection.

22 ~~(9) (blank).~~

23 (b) A property assessed clean energy program may be amended
24 in accordance with the resolution or ordinance establishing the
25 program.

26 (Source: P.A. 100-77, eff. 8-11-17; 100-863, eff. 8-14-18;

1 100-980, eff. 1-1-19; 101-169, eff. 7-29-19; revised 9-20-19.)

2 (50 ILCS 50/20)

3 Sec. 20. Program report. The report on the proposed program
4 required under Section 15 shall include all of the following:

5 (1) a form of assessment contract between the
6 governmental unit and record owner governing the terms and
7 conditions of financing and assessment under the program;

8 (2) identification of one or more officials authorized
9 to enter into an assessment contract on behalf of the
10 governmental unit;

11 (3) (blank);

12 (4) an application process and eligibility
13 requirements for financing or refinancing energy projects
14 under the program;

15 (5) a method for determining interest rates on amounts
16 financed or refinanced under assessment contracts,
17 repayment periods, and the maximum amount of an assessment,
18 if any;

19 (6) an explanation of the process for billing and
20 collecting assessments;

21 (7) a plan to finance the program pursuant to the
22 issuance of PACE bonds under or in accordance with Section
23 35;

24 (8) information regarding all of the following, to the
25 extent known, or procedures to determine the following in

1 the future:

2 (A) any revenue source or reserve fund or funds to
3 be used as security for PACE bonds described in
4 paragraph (7); and

5 (B) any application, administration, or other
6 program fees to be charged to record owners
7 participating in the program that will be used to
8 finance and reimburse all or a portion of costs
9 incurred by the governmental unit as a result of its
10 program;

11 (9) a requirement that the term of an assessment not
12 exceed the useful life of the energy project financed or
13 refinanced under an assessment contract; provided that an
14 assessment contract financing or refinancing multiple
15 energy projects with varying lengths of useful life may
16 have a term that is calculated in accordance with the
17 principles established by the program report;

18 (10) a requirement for an appropriate ratio of the
19 amount of the assessment to the greater of any of the
20 following:

21 (A) the value of the property as determined by the
22 office of the county assessor; or

23 (B) the value of the property as determined by an
24 appraisal conducted by a licensed appraiser;

25 (11) a requirement that the record owner of property
26 subject to a mortgage obtain written consent from the

1 mortgage holder before participating in the program;
2 (12) provisions for marketing and participant
3 education; ~~and~~
4 (13) (blank); and
5 (14) quality assurance and antifraud measures.
6 (Source: P.A. 100-77, eff. 8-11-17; 100-980, eff. 1-1-19;
7 101-169, eff. 7-29-19; revised 9-20-19.)

8 Section 230. The Governmental Account Audit Act is amended
9 by changing Section 4 as follows:

10 (50 ILCS 310/4) (from Ch. 85, par. 704)

11 Sec. 4. Overdue report.

12 (a) If the required report for a governmental unit is not
13 filed with the Comptroller in accordance with Section 2 or
14 Section 3, whichever is applicable, within 180 days after the
15 close of the fiscal year of the governmental unit, the
16 Comptroller shall notify the governing body of that unit in
17 writing that the report is due and may also grant a 60-day ~~60~~
18 ~~day~~ extension for the filing of the audit report. If the
19 required report is not filed within the time specified in such
20 written notice, the Comptroller shall cause an audit to be made
21 by an ~~a~~ auditor, and the governmental unit shall pay to the
22 Comptroller actual compensation and expenses to reimburse him
23 or her for the cost of preparing or completing such report.

24 (b) The Comptroller may decline to order an audit and the

1 preparation of an audit report (i) if an initial examination of
2 the books and records of the governmental unit indicates that
3 the books and records of the governmental unit are inadequate
4 or unavailable due to the passage of time or the occurrence of
5 a natural disaster or (ii) if the Comptroller determines that
6 the cost of an audit would impose an unreasonable financial
7 burden on the governmental unit.

8 (c) The State Comptroller may grant extensions for
9 delinquent audits or reports. The Comptroller may charge a
10 governmental unit a fee for a delinquent audit or report of \$5
11 per day for the first 15 days past due, \$10 per day for 16
12 through 30 days past due, \$15 per day for 31 through 45 days
13 past due, and \$20 per day for the 46th day and every day
14 thereafter. These amounts may be reduced at the Comptroller's
15 discretion. All fees collected under this subsection (c) shall
16 be deposited into the Comptroller's Administrative Fund.

17 (Source: P.A. 101-419, eff. 1-1-20; revised 11-26-19.)

18 Section 235. The Illinois Police Training Act is amended by
19 changing Sections 7 and 10.2 and by setting forth, renumbering,
20 and changing multiple versions of Section 10.23 as follows:

21 (50 ILCS 705/7) (from Ch. 85, par. 507)

22 Sec. 7. Rules and standards for schools. The Board shall
23 adopt rules and minimum standards for such schools which shall
24 include, but not be limited to, the following:

1 a. The curriculum for probationary police officers
2 which shall be offered by all certified schools shall
3 include, but not be limited to, courses of procedural
4 justice, arrest and use and control tactics, search and
5 seizure, including temporary questioning, civil rights,
6 human rights, human relations, cultural competency,
7 including implicit bias and racial and ethnic sensitivity,
8 criminal law, law of criminal procedure, constitutional
9 and proper use of law enforcement authority, vehicle and
10 traffic law including uniform and non-discriminatory
11 enforcement of the Illinois Vehicle Code, traffic control
12 and accident investigation, techniques of obtaining
13 physical evidence, court testimonies, statements, reports,
14 firearms training, training in the use of electronic
15 control devices, including the psychological and
16 physiological effects of the use of those devices on
17 humans, first-aid (including cardiopulmonary
18 resuscitation), training in the administration of opioid
19 antagonists as defined in paragraph (1) of subsection (e)
20 of Section 5-23 of the Substance Use Disorder Act, handling
21 of juvenile offenders, recognition of mental conditions
22 and crises, including, but not limited to, the disease of
23 addiction, which require immediate assistance and response
24 and methods to safeguard and provide assistance to a person
25 in need of mental treatment, recognition of abuse, neglect,
26 financial exploitation, and self-neglect of adults with

1 disabilities and older adults, as defined in Section 2 of
2 the Adult Protective Services Act, crimes against the
3 elderly, law of evidence, the hazards of high-speed police
4 vehicle chases with an emphasis on alternatives to the
5 high-speed chase, and physical training. The curriculum
6 shall include specific training in techniques for
7 immediate response to and investigation of cases of
8 domestic violence and of sexual assault of adults and
9 children, including cultural perceptions and common myths
10 of sexual assault and sexual abuse as well as interview
11 techniques that are age sensitive and are trauma informed,
12 victim centered, and victim sensitive. The curriculum
13 shall include training in techniques designed to promote
14 effective communication at the initial contact with crime
15 victims and ways to comprehensively explain to victims and
16 witnesses their rights under the Rights of Crime Victims
17 and Witnesses Act and the Crime Victims Compensation Act.
18 The curriculum shall also include training in effective
19 recognition of and responses to stress, trauma, and
20 post-traumatic stress experienced by police officers that
21 is consistent with Section 25 of the Illinois Mental Health
22 First Aid Training Act in a peer setting, including
23 recognizing signs and symptoms of work-related cumulative
24 stress, issues that may lead to suicide, and solutions for
25 intervention with peer support resources. The curriculum
26 shall include a block of instruction addressing the

1 mandatory reporting requirements under the Abused and
2 Neglected Child Reporting Act. The curriculum shall also
3 include a block of instruction aimed at identifying and
4 interacting with persons with autism and other
5 developmental or physical disabilities, reducing barriers
6 to reporting crimes against persons with autism, and
7 addressing the unique challenges presented by cases
8 involving victims or witnesses with autism and other
9 developmental disabilities. The curriculum shall include
10 training in the detection and investigation of all forms of
11 human trafficking. The curriculum shall also include
12 instruction in trauma-informed responses designed to
13 ensure the physical safety and well-being of a child of an
14 arrested parent or immediate family member; this
15 instruction must include, but is not limited to: (1)
16 understanding the trauma experienced by the child while
17 maintaining the integrity of the arrest and safety of
18 officers, suspects, and other involved individuals; (2)
19 de-escalation tactics that would include the use of force
20 when reasonably necessary; and (3) inquiring whether a
21 child will require supervision and care. The curriculum for
22 permanent police officers shall include, but not be limited
23 to: (1) refresher and in-service training in any of the
24 courses listed above in this subparagraph, (2) advanced
25 courses in any of the subjects listed above in this
26 subparagraph, (3) training for supervisory personnel, and

1 (4) specialized training in subjects and fields to be
2 selected by the board. The training in the use of
3 electronic control devices shall be conducted for
4 probationary police officers, including University police
5 officers.

6 b. Minimum courses of study, attendance requirements
7 and equipment requirements.

8 c. Minimum requirements for instructors.

9 d. Minimum basic training requirements, which a
10 probationary police officer must satisfactorily complete
11 before being eligible for permanent employment as a local
12 law enforcement officer for a participating local
13 governmental agency. Those requirements shall include
14 training in first aid (including cardiopulmonary
15 resuscitation).

16 e. Minimum basic training requirements, which a
17 probationary county corrections officer must
18 satisfactorily complete before being eligible for
19 permanent employment as a county corrections officer for a
20 participating local governmental agency.

21 f. Minimum basic training requirements which a
22 probationary court security officer must satisfactorily
23 complete before being eligible for permanent employment as
24 a court security officer for a participating local
25 governmental agency. The Board shall establish those
26 training requirements which it considers appropriate for

1 court security officers and shall certify schools to
2 conduct that training.

3 A person hired to serve as a court security officer
4 must obtain from the Board a certificate (i) attesting to
5 his or her successful completion of the training course;
6 (ii) attesting to his or her satisfactory completion of a
7 training program of similar content and number of hours
8 that has been found acceptable by the Board under the
9 provisions of this Act; or (iii) attesting to the Board's
10 determination that the training course is unnecessary
11 because of the person's extensive prior law enforcement
12 experience.

13 Individuals who currently serve as court security
14 officers shall be deemed qualified to continue to serve in
15 that capacity so long as they are certified as provided by
16 this Act within 24 months of June 1, 1997 (the effective
17 date of Public Act 89-685). Failure to be so certified,
18 absent a waiver from the Board, shall cause the officer to
19 forfeit his or her position.

20 All individuals hired as court security officers on or
21 after June 1, 1997 (the effective date of Public Act
22 89-685) shall be certified within 12 months of the date of
23 their hire, unless a waiver has been obtained by the Board,
24 or they shall forfeit their positions.

25 The Sheriff's Merit Commission, if one exists, or the
26 Sheriff's Office if there is no Sheriff's Merit Commission,

1 shall maintain a list of all individuals who have filed
2 applications to become court security officers and who meet
3 the eligibility requirements established under this Act.
4 Either the Sheriff's Merit Commission, or the Sheriff's
5 Office if no Sheriff's Merit Commission exists, shall
6 establish a schedule of reasonable intervals for
7 verification of the applicants' qualifications under this
8 Act and as established by the Board.

9 g. Minimum in-service training requirements, which a
10 police officer must satisfactorily complete every 3 years.
11 Those requirements shall include constitutional and proper
12 use of law enforcement authority, procedural justice,
13 civil rights, human rights, mental health awareness and
14 response, officer wellness, reporting child abuse and
15 neglect, and cultural competency.

16 h. Minimum in-service training requirements, which a
17 police officer must satisfactorily complete at least
18 annually. Those requirements shall include law updates and
19 use of force training which shall include scenario based
20 training, or similar training approved by the Board.

21 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
22 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
23 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
24 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
25 101-564, eff. 1-1-20; revised 9-10-19.)

1 (50 ILCS 705/10.2)

2 Sec. 10.2. Criminal background investigations.

3 (a) On and after March 14, 2002 (the effective date of
4 Public Act 92-533) ~~this amendatory Act of the 92nd General~~
5 ~~Assembly~~, an applicant for employment as a peace officer, or
6 for annual certification as a retired law enforcement officer
7 qualified under federal law to carry a concealed weapon, shall
8 authorize an investigation to determine if the applicant has
9 been convicted of, or entered a plea of guilty to, any criminal
10 offense that disqualifies the person as a peace officer.

11 (b) No law enforcement agency may knowingly employ a
12 person, or certify a retired law enforcement officer qualified
13 under federal law to carry a concealed weapon, unless (i) a
14 criminal background investigation of that person has been
15 completed and (ii) that investigation reveals no convictions of
16 or pleas of guilty to ~~of~~ offenses specified in subsection (a)
17 of Section 6.1 of this Act.

18 (Source: P.A. 101-187, eff. 1-1-20; revised 9-23-19.)

19 (50 ILCS 705/10.23)

20 Sec. 10.23. Training; human trafficking. The Board shall
21 conduct or approve an in-service training program in the
22 detection and investigation of all forms of human trafficking,
23 including, but not limited to, "involuntary servitude" under
24 subsection (b) of Section 10-9 of the Criminal Code of 2012,
25 "involuntary sexual servitude of a minor" under subsection (c)

1 of Section 10-9 of the Criminal Code of 2012, and ~~"trafficking~~
2 in persons" under subsection (d) of Section 10-9 of the
3 Criminal Code of 2012. This program shall be made available to
4 all certified law enforcement, correctional, and court
5 security officers.

6 (Source: P.A. 101-18, eff. 1-1-20; revised 9-25-19.)

7 (50 ILCS 705/10.24)

8 Sec. 10.24 ~~10.23~~. Officer wellness and suicide prevention.

9 The Board shall create, develop, or approve an in-service
10 course addressing issues of officer wellness and suicide
11 prevention. The course shall include instruction on
12 job-related stress management techniques, skills for
13 recognizing signs and symptoms of work-related cumulative
14 stress, recognition of other issues that may lead to officer
15 suicide, solutions for intervention, and a presentation on
16 available peer support resources.

17 (Source: P.A. 101-215, eff. 1-1-20; revised 9-25-19.)

18 Section 240. The Law Enforcement Officer-Worn Body Camera
19 Act is amended by changing Section 10-1 as follows:

20 (50 ILCS 706/10-1)

21 Sec. 10-1. Short title. This Article Act ~~Act~~ may be cited as
22 the Law Enforcement Officer-Worn Body Camera Act. References in
23 this Article to "this Act" mean this Article.

1 (Source: P.A. 99-352, eff. 1-1-16; revised 8-7-19.)

2 Section 245. The Illinois Fire Protection Training Act is
3 amended by changing Sections 2 and 8 as follows:

4 (50 ILCS 740/2) (from Ch. 85, par. 532)

5 Sec. 2. Definitions. As used in this Act, unless the
6 context requires otherwise:

7 a. "Office" means the Office of the State Fire Marshal.

8 b. "Local governmental agency" means any local
9 governmental unit or municipal corporation in this State. It
10 does not include the State of Illinois or any office, officer,
11 department, division, bureau, board, commission, or agency of
12 the State except: (i) a State controlled university, college,
13 or public community college, or (ii) the Office of the State
14 Fire Marshal.

15 c. "School" means any school located within the State of
16 Illinois whether privately or publicly owned which offers a
17 course in fire protection training or related subjects and
18 which has been approved by the Office.

19 d. "Trainee" means a recruit fire fighter required to
20 complete initial minimum basic training requirements at an
21 approved school to be eligible for permanent employment as a
22 fire fighter.

23 e. "Fire protection personnel" and "fire fighter" means any
24 person engaged in fire administration, fire prevention, fire

1 suppression, fire education and arson investigation, including
2 any permanently employed, trainee, or volunteer fire fighter,
3 whether or not such person, trainee, or volunteer is
4 compensated for all or any fraction of his time.

5 f. "Basic training" and "basic level" shall mean the entry
6 level fire fighter program established by the Office.

7 g. "Advanced training" means the advanced level fire
8 fighter programs established by the Office.

9 (Source: P.A. 100-600, eff. 1-1-19; revised 8-7-19.)

10 (50 ILCS 740/8) (from Ch. 85, par. 538)

11 Sec. 8. Rules and minimum standards for schools. The Office
12 shall adopt rules and minimum standards for such schools which
13 shall include but not be limited to the following:

14 a. Minimum courses of study, resources, facilities,
15 apparatus, equipment, reference material, established
16 records and procedures as determined by the Office.

17 b. Minimum requirements for instructors.

18 c. Minimum basic training requirements, which a
19 trainee must satisfactorily complete before being eligible
20 for permanent employment as a firefighter in the fire
21 department of a participating local governmental agency.
22 Those requirements shall include training in first aid
23 (including cardiopulmonary resuscitation), training in the
24 administration of opioid antagonists as defined in
25 paragraph (1) of subsection (e) of Section 5-23 of the

1 Substance Use Disorder Act, and training in the history of
2 the fire service labor movement using curriculum and
3 instructors provided by a statewide organization
4 representing professional union firefighters in Illinois.

5 d. Training in effective recognition of and responses
6 to stress, trauma, and post-traumatic stress experienced
7 by firefighters that is consistent with Section 25 of the
8 Illinois Mental Health First Aid Training Act in a peer
9 setting.

10 (Source: P.A. 100-759, eff. 1-1-19; 101-375, eff. 8-16-19;
11 101-620, eff. 12-20-19; revised 1-7-20.)

12 Section 250. The Counties Code is amended by changing
13 Sections 5-1009, and 5-10004 and by setting forth and
14 renumbering multiple versions of Section 5-1184 as follows:

15 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

16 Sec. 5-1009. Limitation on home rule powers. Except as
17 provided in Sections 5-1006, 5-1006.5, 5-1006.8, 5-1007, and
18 5-1008, on and after September 1, 1990, no home rule county has
19 the authority to impose, pursuant to its home rule authority, a
20 retailers' ~~retailer's~~ occupation tax, service occupation tax,
21 use tax, sales tax or other tax on the use, sale or purchase of
22 tangible personal property based on the gross receipts from
23 such sales or the selling or purchase price of said tangible
24 personal property. Notwithstanding the foregoing, this Section

1 does not preempt any home rule imposed tax such as the
2 following: (1) a tax on alcoholic beverages, whether based on
3 gross receipts, volume sold or any other measurement; (2) a tax
4 based on the number of units of cigarettes or tobacco products;
5 (3) a tax, however measured, based on the use of a hotel or
6 motel room or similar facility; (4) a tax, however measured, on
7 the sale or transfer of real property; (5) a tax, however
8 measured, on lease receipts; (6) a tax on food prepared for
9 immediate consumption and on alcoholic beverages sold by a
10 business which provides for on premise consumption of said food
11 or alcoholic beverages; or (7) other taxes not based on the
12 selling or purchase price or gross receipts from the use, sale
13 or purchase of tangible personal property. This Section does
14 not preempt a home rule county from imposing a tax, however
15 measured, on the use, for consideration, of a parking lot,
16 garage, or other parking facility.

17 On and after December 1, 2019, no home rule county has the
18 authority to impose, pursuant to its home rule authority, a
19 tax, however measured, on sales of aviation fuel, as defined in
20 Section 3 of the Retailers' Occupation Tax Act, unless the tax
21 revenue is expended for airport-related purposes. For purposes
22 of this Section, "airport-related purposes" has the meaning
23 ascribed in Section 6z-20.2 of the State Finance Act. Aviation
24 fuel shall be excluded from tax only for so long as the revenue
25 use requirements of 49 U.S.C. 47017(b) and 49 U.S.C. 47133 are
26 binding on the county.

1 This Section is a limitation, pursuant to subsection (g) of
2 Section 6 of Article VII of the Illinois Constitution, on the
3 power of home rule units to tax. The changes made to this
4 Section by Public Act 101-10 ~~this amendatory Act of the 101st~~
5 ~~General Assembly~~ are a denial and limitation of home rule
6 powers and functions under subsection (g) of Section 6 of
7 Article VII of the Illinois Constitution.

8 (Source: P.A. 101-10, eff. 6-5-19; 101-27, eff. 6-25-19;
9 revised 8-19-19.)

10 (55 ILCS 5/5-1184)

11 Sec. 5-1184. (Repealed).

12 (Source: P.A. 101-10, eff. 6-5-19. Repealed by P.A. 101-604,
13 eff. 12-13-19.)

14 (55 ILCS 5/5-1185)

15 Sec. 5-1185 ~~5-1184~~. Dissolution of townships in McHenry
16 County. If a township in McHenry County dissolves as provided
17 in Article 24 of the Township Code, McHenry County shall assume
18 the powers, duties, and obligations of each dissolved township
19 as provided in Article 24 of the Township Code.

20 (Source: P.A. 101-230, eff. 8-9-19; revised 10-7-19.)

21 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

22 Sec. 5-10004. Qualifications for license. A license to
23 operate or maintain a dance hall may be issued by the county

1 board to any citizen, firm, or corporation of the State: ~~who~~

2 (1) who submits a written application for a license,
3 which application shall state, and the applicant shall
4 state under oath:

5 (a) the name, address, and residence of the
6 applicant, and the length of time he has lived at that
7 residence;

8 (b) the place of birth of the applicant ~~and~~ and if
9 the applicant is a naturalized citizen, the time and
10 place of such naturalization;

11 (c) whether the applicant has a prior felony
12 conviction; and

13 (d) the location of the place or building where the
14 applicant intends to operate or maintain the dance
15 hall; and ~~and~~

16 (2) ~~and~~ who establishes:

17 (a) that he is a person of good moral character;
18 and

19 (b) that the place or building where the dance hall
20 or road house is to be operated or maintained ~~and~~
21 reasonably conforms to all laws ~~and~~ and health and fire
22 regulations applicable thereto, ~~and~~ is properly
23 ventilated and supplied with separate and sufficient
24 toilet arrangements for each sex, and is a safe and
25 proper place or building for a public dance hall or
26 road house.

1 (Source: P.A. 100-286, eff. 1-1-18; revised 8-7-19.)

2 Section 255. The Illinois Municipal Code is amended by
3 changing Sections 1-1-10, 10-1-7.1, 10-1-48, 10-2.1-6.3,
4 11-74.4-8, and 11-74.6-35 as follows:

5 (65 ILCS 5/1-1-10) (from Ch. 24, par. 1-1-10)

6 Sec. 1-1-10. It is the policy of this State that all powers
7 granted, either expressly or by necessary implication, by this
8 Code, by Illinois statute, or by the Illinois Constitution to
9 municipalities may be exercised by those municipalities~~7~~ and
10 the officers, employees~~7~~ and agents of each~~7~~ notwithstanding
11 effects on competition.

12 It is further the policy of this State that home rule
13 ~~home-rule~~ municipalities and~~7~~ the officers, employees~~7~~ and
14 agents of each may (1) exercise any power and perform any
15 function pertaining to their government and affairs or (2)
16 exercise those powers within traditional areas of municipal
17 activity, except as limited by the Illinois Constitution or a
18 proper limiting statute, notwithstanding effects on
19 competition.

20 It is the intention of the General Assembly that the "State
21 action exemption" to the application of federal antitrust
22 statutes be fully available to all municipalities~~7~~ and the
23 agents, officers~~7~~ and employees of each to the extent they are
24 exercising authority as aforesaid, including, but not limited

1 to, the provisions of Sections 6, 7, and 10 of Article VII of
2 the Illinois Constitution or the provisions of the following
3 Illinois statutes, as each is now in existence or may
4 hereinafter be amended:

5 (a) The Illinois Local Library Act; Article 27 of the
6 Property Tax Code ~~"An Act to provide the manner of levying or~~
7 ~~imposing taxes for the provision of special services to areas~~
8 ~~within the boundaries of home rule units and non home rule~~
9 ~~municipalities and counties", approved September 21, 1973, as~~
10 ~~amended; the Housing Development and Construction Act ~~"An Act~~
11 ~~to facilitate the development and construction of housing, to~~
12 ~~provide governmental assistance therefor, and to repeal an Act~~
13 ~~herein named", approved July 2, 1947, as amended; or the~~
14 Housing Authorities Act, the Housing Cooperation Law, the
15 Blighted Areas Redevelopment Act of 1947, the Blighted Vacant
16 Areas Development Act of 1949, the Urban Community Conservation
17 Act, the Illinois Enterprise Zone Act, or any other power
18 exercised pursuant to the Intergovernmental Cooperation Act;
19 or~~

20 (b) Divisions 1, 2, 3, 4, 5, and 6 of Article 7 of the
21 Illinois Municipal Code; Divisions 9, 10, and 11 of Article 8
22 of the Illinois Municipal Code; Divisions 1, 2, 3, 4, and 5 of
23 Article 9 of the Illinois Municipal Code; and all of Divisions
24 of Articles 10 and 11 of the Illinois Municipal Code; or

25 (c) Any other Illinois statute or constitutional provision
26 now existing or which may be enacted in the future, by which

1 any municipality may exercise authority.

2 The "State action exemption" for which provision is made by
3 this Section shall be liberally construed in favor of such
4 municipalities and the agents, employees, and officers
5 thereof, and such exemption shall be available notwithstanding
6 that the action of the municipality or its agents, officers, or
7 employees constitutes an irregular exercise of constitutional
8 or statutory powers. However, this exemption shall not apply
9 where the action alleged to be in violation of antitrust law
10 exceeds either (1) powers granted, either expressly or by
11 necessary implication, by Illinois statute or the Illinois
12 Constitution or (2) powers granted to a home rule municipality
13 to perform any function pertaining to its government and
14 affairs or to act within traditional areas of municipal
15 activity, except as limited by the Illinois Constitution or a
16 proper limiting statute.

17 Notwithstanding the foregoing, where it is alleged that a
18 violation of the antitrust laws has occurred, the relief
19 available to the plaintiffs shall be limited to an injunction
20 which enjoins the alleged activity.

21 Nothing in this Section is intended to prohibit or limit
22 any cause of action other than under an antitrust theory.

23 (Source: P.A. 84-1050; revised 8-7-19.)

24 (65 ILCS 5/10-1-7.1)

25 Sec. 10-1-7.1. Original appointments; full-time fire

1 department.

2 (a) Applicability. Unless a commission elects to follow the
3 provisions of Section 10-1-7.2, this Section shall apply to all
4 original appointments to an affected full-time fire
5 department. Existing registers of eligibles shall continue to
6 be valid until their expiration dates, or up to a maximum of 2
7 years after August 4, 2011 (the effective date of Public Act
8 97-251) ~~this amendatory Act of the 97th General Assembly.~~

9 Notwithstanding any statute, ordinance, rule, or other law
10 to the contrary, all original appointments to an affected
11 department to which this Section applies shall be administered
12 in the manner provided for in this Section. Provisions of the
13 Illinois Municipal Code, municipal ordinances, and rules
14 adopted pursuant to such authority and other laws relating to
15 initial hiring of firefighters in affected departments shall
16 continue to apply to the extent they are compatible with this
17 Section, but in the event of a conflict between this Section
18 and any other law, this Section shall control.

19 A home rule or non-home rule municipality may not
20 administer its fire department process for original
21 appointments in a manner that is less stringent than this
22 Section. This Section is a limitation under subsection (i) of
23 Section 6 of Article VII of the Illinois Constitution on the
24 concurrent exercise by home rule units of the powers and
25 functions exercised by the State.

26 A municipality that is operating under a court order or

1 consent decree regarding original appointments to a full-time
2 fire department before August 4, 2011 (the effective date of
3 Public Act 97-251) ~~this amendatory Act of the 97th General~~
4 ~~Assembly~~ is exempt from the requirements of this Section for
5 the duration of the court order or consent decree.

6 Notwithstanding any other provision of this subsection
7 (a), this Section does not apply to a municipality with more
8 than 1,000,000 inhabitants.

9 (b) Original appointments. All original appointments made
10 to an affected fire department shall be made from a register of
11 eligibles established in accordance with the processes
12 established by this Section. Only persons who meet or exceed
13 the performance standards required by this Section shall be
14 placed on a register of eligibles for original appointment to
15 an affected fire department.

16 Whenever an appointing authority authorizes action to hire
17 a person to perform the duties of a firefighter or to hire a
18 firefighter-paramedic to fill a position that is a new position
19 or vacancy due to resignation, discharge, promotion, death, the
20 granting of a disability or retirement pension, or any other
21 cause, the appointing authority shall appoint to that position
22 the person with the highest ranking on the final eligibility
23 list. If the appointing authority has reason to conclude that
24 the highest ranked person fails to meet the minimum standards
25 for the position or if the appointing authority believes an
26 alternate candidate would better serve the needs of the

1 department, then the appointing authority has the right to pass
2 over the highest ranked person and appoint either: (i) any
3 person who has a ranking in the top 5% of the register of
4 eligibles or (ii) any person who is among the top 5 highest
5 ranked persons on the list of eligibles if the number of people
6 who have a ranking in the top 5% of the register of eligibles
7 is less than 5 people.

8 Any candidate may pass on an appointment once without
9 losing his or her position on the register of eligibles. Any
10 candidate who passes a second time may be removed from the list
11 by the appointing authority provided that such action shall not
12 prejudice a person's opportunities to participate in future
13 examinations, including an examination held during the time a
14 candidate is already on the municipality's register of
15 eligibles.

16 The sole authority to issue certificates of appointment
17 shall be vested in the Civil Service Commission. All
18 certificates of appointment issued to any officer or member of
19 an affected department shall be signed by the chairperson and
20 secretary, respectively, of the commission upon appointment of
21 such officer or member to the affected department by the
22 commission. After being selected from the register of eligibles
23 to fill a vacancy in the affected department, each appointee
24 shall be presented with his or her certificate of appointment
25 on the day on which he or she is sworn in as a classified member
26 of the affected department. Firefighters who were not issued a

1 certificate of appointment when originally appointed shall be
2 provided with a certificate within 10 days after making a
3 written request to the chairperson of the Civil Service
4 Commission. Each person who accepts a certificate of
5 appointment and successfully completes his or her probationary
6 period shall be enrolled as a firefighter and as a regular
7 member of the fire department.

8 For the purposes of this Section, "firefighter" means any
9 person who has been prior to, on, or after August 4, 2011 (the
10 effective date of Public Act 97-251) ~~this amendatory Act of the~~
11 ~~97th General Assembly~~ appointed to a fire department or fire
12 protection district or employed by a State university and sworn
13 or commissioned to perform firefighter duties or paramedic
14 duties, or both, except that the following persons are not
15 included: part-time firefighters; auxiliary, reserve, or
16 voluntary firefighters, including paid-on-call firefighters;
17 clerks and dispatchers or other civilian employees of a fire
18 department or fire protection district who are not routinely
19 expected to perform firefighter duties; and elected officials.

20 (c) Qualification for placement on register of eligibles.
21 The purpose of establishing a register of eligibles is to
22 identify applicants who possess and demonstrate the mental
23 aptitude and physical ability to perform the duties required of
24 members of the fire department in order to provide the highest
25 quality of service to the public. To this end, all applicants
26 for original appointment to an affected fire department shall

1 be subject to examination and testing which shall be public,
2 competitive, and open to all applicants unless the municipality
3 shall by ordinance limit applicants to residents of the
4 municipality, county or counties in which the municipality is
5 located, State, or nation. Any examination and testing
6 procedure utilized under subsection (e) of this Section shall
7 be supported by appropriate validation evidence and shall
8 comply with all applicable State and federal laws.
9 Municipalities may establish educational, emergency medical
10 service licensure, and other prerequisites ~~prerequisites~~ for
11 participation in an examination or for hire as a firefighter.
12 Any municipality may charge a fee to cover the costs of the
13 application process.

14 Residency requirements in effect at the time an individual
15 enters the fire service of a municipality cannot be made more
16 restrictive for that individual during his or her period of
17 service for that municipality, or be made a condition of
18 promotion, except for the rank or position of fire chief and
19 for no more than 2 positions that rank immediately below that
20 of the chief rank which are appointed positions pursuant to the
21 Fire Department Promotion Act.

22 No person who is 35 years of age or older shall be eligible
23 to take an examination for a position as a firefighter unless
24 the person has had previous employment status as a firefighter
25 in the regularly constituted fire department of the
26 municipality, except as provided in this Section. The age

1 limitation does not apply to:

2 (1) any person previously employed as a full-time
3 firefighter in a regularly constituted fire department of
4 (i) any municipality or fire protection district located in
5 Illinois, (ii) a fire protection district whose
6 obligations were assumed by a municipality under Section 21
7 of the Fire Protection District Act, or (iii) a
8 municipality whose obligations were taken over by a fire
9 protection district,

10 (2) any person who has served a municipality as a
11 regularly enrolled volunteer, paid-on-call, or part-time
12 firefighter for the 5 years immediately preceding the time
13 that the municipality begins to use full-time firefighters
14 to provide all or part of its fire protection service, or

15 (3) any person who turned 35 while serving as a member
16 of the active or reserve components of any of the branches
17 of the Armed Forces of the United States or the National
18 Guard of any state, whose service was characterized as
19 honorable or under honorable, if separated from the
20 military, and is currently under the age of 40.

21 No person who is under 21 years of age shall be eligible
22 for employment as a firefighter.

23 No applicant shall be examined concerning his or her
24 political or religious opinions or affiliations. The
25 examinations shall be conducted by the commissioners of the
26 municipality or their designees and agents.

1 No municipality shall require that any firefighter
2 appointed to the lowest rank serve a probationary employment
3 period of longer than one year of actual active employment,
4 which may exclude periods of training, or injury or illness
5 leaves, including duty related leave, in excess of 30 calendar
6 days. Notwithstanding anything to the contrary in this Section,
7 the probationary employment period limitation may be extended
8 for a firefighter who is required, as a condition of
9 employment, to be a licensed paramedic, during which time the
10 sole reason that a firefighter may be discharged without a
11 hearing is for failing to meet the requirements for paramedic
12 licensure.

13 In the event that any applicant who has been found eligible
14 for appointment and whose name has been placed upon the final
15 eligibility register provided for in this Division 1 has not
16 been appointed to a firefighter position within one year after
17 the date of his or her physical ability examination, the
18 commission may cause a second examination to be made of that
19 applicant's physical ability prior to his or her appointment.
20 If, after the second examination, the physical ability of the
21 applicant shall be found to be less than the minimum standard
22 fixed by the rules of the commission, the applicant shall not
23 be appointed. The applicant's name may be retained upon the
24 register of candidates eligible for appointment and when next
25 reached for certification and appointment that applicant may be
26 again examined as provided in this Section, and if the physical

1 ability of that applicant is found to be less than the minimum
2 standard fixed by the rules of the commission, the applicant
3 shall not be appointed, and the name of the applicant shall be
4 removed from the register.

5 (d) Notice, examination, and testing components. Notice of
6 the time, place, general scope, merit criteria for any
7 subjective component, and fee of every examination shall be
8 given by the commission, by a publication at least 2 weeks
9 preceding the examination: (i) in one or more newspapers
10 published in the municipality, or if no newspaper is published
11 therein, then in one or more newspapers with a general
12 circulation within the municipality, or (ii) on the
13 municipality's Internet website. Additional notice of the
14 examination may be given as the commission shall prescribe.

15 The examination and qualifying standards for employment of
16 firefighters shall be based on: mental aptitude, physical
17 ability, preferences, moral character, and health. The mental
18 aptitude, physical ability, and preference components shall
19 determine an applicant's qualification for and placement on the
20 final register of eligibles. The examination may also include a
21 subjective component based on merit criteria as determined by
22 the commission. Scores from the examination must be made
23 available to the public.

24 (e) Mental aptitude. No person who does not possess at
25 least a high school diploma or an equivalent high school
26 education shall be placed on a register of eligibles.

1 Examination of an applicant's mental aptitude shall be based
2 upon a written examination. The examination shall be practical
3 in character and relate to those matters that fairly test the
4 capacity of the persons examined to discharge the duties
5 performed by members of a fire department. Written examinations
6 shall be administered in a manner that ensures the security and
7 accuracy of the scores achieved.

8 (f) Physical ability. All candidates shall be required to
9 undergo an examination of their physical ability to perform the
10 essential functions included in the duties they may be called
11 upon to perform as a member of a fire department. For the
12 purposes of this Section, essential functions of the job are
13 functions associated with duties that a firefighter may be
14 called upon to perform in response to emergency calls. The
15 frequency of the occurrence of those duties as part of the fire
16 department's regular routine shall not be a controlling factor
17 in the design of examination criteria or evolutions selected
18 for testing. These physical examinations shall be open,
19 competitive, and based on industry standards designed to test
20 each applicant's physical abilities in the following
21 dimensions:

22 (1) Muscular strength to perform tasks and evolutions
23 that may be required in the performance of duties including
24 grip strength, leg strength, and arm strength. Tests shall
25 be conducted under anaerobic as well as aerobic conditions
26 to test both the candidate's speed and endurance in

1 performing tasks and evolutions. Tasks tested may be based
2 on standards developed, or approved, by the local
3 appointing authority.

4 (2) The ability to climb ladders, operate from heights,
5 walk or crawl in the dark along narrow and uneven surfaces,
6 and operate in proximity to hazardous environments.

7 (3) The ability to carry out critical, time-sensitive,
8 and complex problem solving during physical exertion in
9 stressful and hazardous environments. The testing
10 environment may be hot and dark with tightly enclosed
11 spaces, flashing lights, sirens, and other distractions.

12 The tests utilized to measure each applicant's
13 capabilities in each of these dimensions may be tests based on
14 industry standards currently in use or equivalent tests
15 approved by the Joint Labor-Management Committee of the Office
16 of the State Fire Marshal.

17 Physical ability examinations administered under this
18 Section shall be conducted with a reasonable number of proctors
19 and monitors, open to the public, and subject to reasonable
20 regulations of the commission.

21 (g) Scoring of examination components. Appointing
22 authorities may create a preliminary eligibility register. A
23 person shall be placed on the list based upon his or her
24 passage of the written examination or the passage of the
25 written examination and the physical ability component.
26 Passage of the written examination means attaining the minimum

1 score set by the commission. Minimum scores should be set by
2 the commission so as to demonstrate a candidate's ability to
3 perform the essential functions of the job. The minimum score
4 set by the commission shall be supported by appropriate
5 validation evidence and shall comply with all applicable State
6 and federal laws. The appointing authority may conduct the
7 physical ability component and any subjective components
8 subsequent to the posting of the preliminary eligibility
9 register.

10 The examination components for an initial eligibility
11 register shall be graded on a 100-point scale. A person's
12 position on the list shall be determined by the following: (i)
13 the person's score on the written examination, (ii) the person
14 successfully passing the physical ability component, and (iii)
15 the person's results on any subjective component as described
16 in subsection (d).

17 In order to qualify for placement on the final eligibility
18 register, an applicant's score on the written examination,
19 before any applicable preference points or subjective points
20 are applied, shall be at or above the minimum score set by the
21 commission. The local appointing authority may prescribe the
22 score to qualify for placement on the final eligibility
23 register, but the score shall not be less than the minimum
24 score set by the commission.

25 The commission shall prepare and keep a register of persons
26 whose total score is not less than the minimum score for

1 passage and who have passed the physical ability examination.
2 These persons shall take rank upon the register as candidates
3 in the order of their relative excellence based on the highest
4 to the lowest total points scored on the mental aptitude,
5 subjective component, and preference components of the test
6 administered in accordance with this Section. No more than 60
7 days after each examination, an initial eligibility list shall
8 be posted by the commission. The list shall include the final
9 grades of the candidates without reference to priority of the
10 time of examination and subject to claim for preference credit.

11 Commissions may conduct additional examinations, including
12 without limitation a polygraph test, after a final eligibility
13 register is established and before it expires with the
14 candidates ranked by total score without regard to date of
15 examination. No more than 60 days after each examination, an
16 initial eligibility list shall be posted by the commission
17 showing the final grades of the candidates without reference to
18 priority of time of examination and subject to claim for
19 preference credit.

20 (h) Preferences. The following are preferences:

21 (1) Veteran preference. Persons who were engaged in the
22 military service of the United States for a period of at
23 least one year of active duty and who were honorably
24 discharged therefrom, or who are now or have been members
25 on inactive or reserve duty in such military or naval
26 service, shall be preferred for appointment to and

1 employment with the fire department of an affected
2 department.

3 (2) Fire cadet preference. Persons who have
4 successfully completed 2 years of study in fire techniques
5 or cadet training within a cadet program established under
6 the rules of the Joint Labor and Management Committee
7 (JLMC), as defined in Section 50 of the Fire Department
8 Promotion Act, may be preferred for appointment to and
9 employment with the fire department.

10 (3) Educational preference. Persons who have
11 successfully obtained an associate's degree in the field of
12 fire service or emergency medical services, or a bachelor's
13 degree from an accredited college or university may be
14 preferred for appointment to and employment with the fire
15 department.

16 (4) Paramedic preference. Persons who have obtained a
17 license as a paramedic may be preferred for appointment to
18 and employment with the fire department of an affected
19 department providing emergency medical services.

20 (5) Experience preference. All persons employed by a
21 municipality who have been paid-on-call or part-time
22 certified Firefighter II, certified Firefighter III, State
23 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
24 paramedic, or any combination of those capacities may be
25 awarded up to a maximum of 5 points. However, the applicant
26 may not be awarded more than 0.5 points for each complete

1 year of paid-on-call or part-time service. Applicants from
2 outside the municipality who were employed as full-time
3 firefighters or firefighter-paramedics by a fire
4 protection district or another municipality may be awarded
5 up to 5 experience preference points. However, the
6 applicant may not be awarded more than one point for each
7 complete year of full-time service.

8 Upon request by the commission, the governing body of
9 the municipality or in the case of applicants from outside
10 the municipality the governing body of any fire protection
11 district or any other municipality shall certify to the
12 commission, within 10 days after the request, the number of
13 years of successful paid-on-call, part-time, or full-time
14 service of any person. A candidate may not receive the full
15 amount of preference points under this subsection if the
16 amount of points awarded would place the candidate before a
17 veteran on the eligibility list. If more than one candidate
18 receiving experience preference points is prevented from
19 receiving all of their points due to not being allowed to
20 pass a veteran, the candidates shall be placed on the list
21 below the veteran in rank order based on the totals
22 received if all points under this subsection were to be
23 awarded. Any remaining ties on the list shall be determined
24 by lot.

25 (6) Residency preference. Applicants whose principal
26 residence is located within the fire department's

1 jurisdiction may be preferred for appointment to and
2 employment with the fire department.

3 (7) Additional preferences. Up to 5 additional
4 preference points may be awarded for unique categories
5 based on an applicant's experience or background as
6 identified by the commission.

7 (7.5) Apprentice preferences. A person who has
8 performed fire suppression service for a department as a
9 firefighter apprentice and otherwise meet the
10 qualifications for original appointment as a firefighter
11 specified in this Section may be awarded up to 20
12 preference points. To qualify for preference points, an
13 applicant shall have completed a minimum of 600 hours of
14 fire suppression work on a regular shift for the affected
15 fire department over a 12-month period. The fire
16 suppression work must be in accordance with Section 10-1-14
17 of this Division and the terms established by a Joint
18 Apprenticeship Committee included in a collective
19 bargaining agreement agreed between the employer and its
20 certified bargaining agent. An eligible applicant must
21 apply to the Joint Apprenticeship Committee for preference
22 points under this item. The Joint Apprenticeship Committee
23 shall evaluate the merit of the applicant's performance,
24 determine the preference points to be awarded, and certify
25 the amount of points awarded to the commissioners. The
26 commissioners may add the certified preference points to

1 the final grades achieved by the applicant on the other
2 components of the examination.

3 (8) Scoring of preferences. The commission shall give
4 preference for original appointment to persons designated
5 in item (1) by adding to the final grade that they receive
6 5 points for the recognized preference achieved. The
7 commission may give preference for original appointment to
8 persons designated in item (7.5) by adding to the final
9 grade the amount of points designated by the Joint
10 Apprenticeship Committee as defined in item (7.5). The
11 commission shall determine the number of preference points
12 for each category, except (1) and (7.5). The number of
13 preference points for each category shall range from 0 to
14 5, except item (7.5). In determining the number of
15 preference points, the commission shall prescribe that if a
16 candidate earns the maximum number of preference points in
17 all categories except item (7.5), that number may not be
18 less than 10 nor more than 30. The commission shall give
19 preference for original appointment to persons designated
20 in items (2) through (7) by adding the requisite number of
21 points to the final grade for each recognized preference
22 achieved. The numerical result thus attained shall be
23 applied by the commission in determining the final
24 eligibility list and appointment from the eligibility
25 list. The local appointing authority may prescribe the
26 total number of preference points awarded under this

1 Section, but the total number of preference points, except
2 item (7.5), shall not be less than 10 points or more than
3 30 points. Apprentice preference points may be added in
4 addition to other preference points awarded by the
5 commission.

6 No person entitled to any preference shall be required to
7 claim the credit before any examination held under the
8 provisions of this Section, but the preference shall be given
9 after the posting or publication of the initial eligibility
10 list or register at the request of a person entitled to a
11 credit before any certification or appointments are made from
12 the eligibility register, upon the furnishing of verifiable
13 evidence and proof of qualifying preference credit. Candidates
14 who are eligible for preference credit shall make a claim in
15 writing within 10 days after the posting of the initial
16 eligibility list, or the claim shall be deemed waived. Final
17 eligibility registers shall be established after the awarding
18 of verified preference points. However, apprentice preference
19 credit earned subsequent to the establishment of the final
20 eligibility register may be applied to the applicant's score
21 upon certification by the Joint Apprenticeship Committee to the
22 commission and the rank order of candidates on the final
23 eligibility register shall be adjusted accordingly. All
24 employment shall be subject to the commission's initial hire
25 background review including, but not limited to, criminal
26 history, employment history, moral character, oral

1 examination, and medical and psychological examinations, all
2 on a pass-fail basis. The medical and psychological
3 examinations must be conducted last, and may only be performed
4 after a conditional offer of employment has been extended.

5 Any person placed on an eligibility list who exceeds the
6 age requirement before being appointed to a fire department
7 shall remain eligible for appointment until the list is
8 abolished, or his or her name has been on the list for a period
9 of 2 years. No person who has attained the age of 35 years
10 shall be inducted into a fire department, except as otherwise
11 provided in this Section.

12 The commission shall strike off the names of candidates for
13 original appointment after the names have been on the list for
14 more than 2 years.

15 (i) Moral character. No person shall be appointed to a fire
16 department unless he or she is a person of good character; not
17 a habitual drunkard, a gambler, or a person who has been
18 convicted of a felony or a crime involving moral turpitude.
19 However, no person shall be disqualified from appointment to
20 the fire department because of the person's record of
21 misdemeanor convictions except those under Sections 11-6,
22 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
23 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
24 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
25 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, or arrest for any cause without

1 conviction thereon. Any such person who is in the department
2 may be removed on charges brought for violating this subsection
3 and after a trial as hereinafter provided.

4 A classifiable set of the fingerprints of every person who
5 is offered employment as a certificated member of an affected
6 fire department whether with or without compensation, shall be
7 furnished to the Illinois Department of State Police and to the
8 Federal Bureau of Investigation by the commission.

9 Whenever a commission is authorized or required by law to
10 consider some aspect of criminal history record information for
11 the purpose of carrying out its statutory powers and
12 responsibilities, then, upon request and payment of fees in
13 conformance with the requirements of Section 2605-400 of the
14 State Police Law of the Civil Administrative Code of Illinois,
15 the Department of State Police is authorized to furnish,
16 pursuant to positive identification, the information contained
17 in State files as is necessary to fulfill the request.

18 (j) Temporary appointments. In order to prevent a stoppage
19 of public business, to meet extraordinary exigencies, or to
20 prevent material impairment of the fire department, the
21 commission may make temporary appointments, to remain in force
22 only until regular appointments are made under the provisions
23 of this Division, but never to exceed 60 days. No temporary
24 appointment of any one person shall be made more than twice in
25 any calendar year.

26 (k) A person who knowingly divulges or receives test

1 questions or answers before a written examination, or otherwise
2 knowingly violates or subverts any requirement of this Section,
3 commits a violation of this Section and may be subject to
4 charges for official misconduct.

5 A person who is the knowing recipient of test information
6 in advance of the examination shall be disqualified from the
7 examination or discharged from the position to which he or she
8 was appointed, as applicable, and otherwise subjected to
9 disciplinary actions.

10 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
11 revised 11-26-19.)

12 (65 ILCS 5/10-1-48) (from Ch. 24, par. 10-1-48)

13 Sec. 10-1-48. This division is subject to the provisions of
14 ~~the "The Illinois Police Training Act", approved August 18,~~
15 ~~1965, as amended~~ and the provisions of the ~~"Illinois Fire~~
16 ~~Protection Training Act", certified November 9, 1971.~~

17 Public Act 78-951 ~~This amendatory Act of 1973~~ is not a
18 limit on any municipality which is a home rule unit.

19 (Source: P.A. 78-951; revised 8-8-19.)

20 (65 ILCS 5/10-2.1-6.3)

21 Sec. 10-2.1-6.3. Original appointments; full-time fire
22 department.

23 (a) Applicability. Unless a commission elects to follow the
24 provisions of Section 10-2.1-6.4, this Section shall apply to

1 all original appointments to an affected full-time fire
2 department. Existing registers of eligibles shall continue to
3 be valid until their expiration dates, or up to a maximum of 2
4 years after August 4, 2011 (the effective date of Public Act
5 97-251) ~~this amendatory Act of the 97th General Assembly.~~

6 Notwithstanding any statute, ordinance, rule, or other law
7 to the contrary, all original appointments to an affected
8 department to which this Section applies shall be administered
9 in the manner provided for in this Section. Provisions of the
10 Illinois Municipal Code, municipal ordinances, and rules
11 adopted pursuant to such authority and other laws relating to
12 initial hiring of firefighters in affected departments shall
13 continue to apply to the extent they are compatible with this
14 Section, but in the event of a conflict between this Section
15 and any other law, this Section shall control.

16 A home rule or non-home rule municipality may not
17 administer its fire department process for original
18 appointments in a manner that is less stringent than this
19 Section. This Section is a limitation under subsection (i) of
20 Section 6 of Article VII of the Illinois Constitution on the
21 concurrent exercise by home rule units of the powers and
22 functions exercised by the State.

23 A municipality that is operating under a court order or
24 consent decree regarding original appointments to a full-time
25 fire department before August 4, 2011 (the effective date of
26 Public Act 97-251) ~~this amendatory Act of the 97th General~~

1 ~~Assembly~~ is exempt from the requirements of this Section for
2 the duration of the court order or consent decree.

3 Notwithstanding any other provision of this subsection
4 (a), this Section does not apply to a municipality with more
5 than 1,000,000 inhabitants.

6 (b) Original appointments. All original appointments made
7 to an affected fire department shall be made from a register of
8 eligibles established in accordance with the processes
9 established by this Section. Only persons who meet or exceed
10 the performance standards required by this Section shall be
11 placed on a register of eligibles for original appointment to
12 an affected fire department.

13 Whenever an appointing authority authorizes action to hire
14 a person to perform the duties of a firefighter or to hire a
15 firefighter-paramedic to fill a position that is a new position
16 or vacancy due to resignation, discharge, promotion, death, the
17 granting of a disability or retirement pension, or any other
18 cause, the appointing authority shall appoint to that position
19 the person with the highest ranking on the final eligibility
20 list. If the appointing authority has reason to conclude that
21 the highest ranked person fails to meet the minimum standards
22 for the position or if the appointing authority believes an
23 alternate candidate would better serve the needs of the
24 department, then the appointing authority has the right to pass
25 over the highest ranked person and appoint either: (i) any
26 person who has a ranking in the top 5% of the register of

1 eligibles or (ii) any person who is among the top 5 highest
2 ranked persons on the list of eligibles if the number of people
3 who have a ranking in the top 5% of the register of eligibles
4 is less than 5 people.

5 Any candidate may pass on an appointment once without
6 losing his or her position on the register of eligibles. Any
7 candidate who passes a second time may be removed from the list
8 by the appointing authority provided that such action shall not
9 prejudice a person's opportunities to participate in future
10 examinations, including an examination held during the time a
11 candidate is already on the municipality's register of
12 eligibles.

13 The sole authority to issue certificates of appointment
14 shall be vested in the board of fire and police commissioners.
15 All certificates of appointment issued to any officer or member
16 of an affected department shall be signed by the chairperson
17 and secretary, respectively, of the board upon appointment of
18 such officer or member to the affected department by action of
19 the board. After being selected from the register of eligibles
20 to fill a vacancy in the affected department, each appointee
21 shall be presented with his or her certificate of appointment
22 on the day on which he or she is sworn in as a classified member
23 of the affected department. Firefighters who were not issued a
24 certificate of appointment when originally appointed shall be
25 provided with a certificate within 10 days after making a
26 written request to the chairperson of the board of fire and

1 police commissioners. Each person who accepts a certificate of
2 appointment and successfully completes his or her probationary
3 period shall be enrolled as a firefighter and as a regular
4 member of the fire department.

5 For the purposes of this Section, "firefighter" means any
6 person who has been prior to, on, or after August 4, 2011 (the
7 effective date of Public Act 97-251) ~~this amendatory Act of the~~
8 ~~97th General Assembly~~ appointed to a fire department or fire
9 protection district or employed by a State university and sworn
10 or commissioned to perform firefighter duties or paramedic
11 duties, or both, except that the following persons are not
12 included: part-time firefighters; auxiliary, reserve, or
13 voluntary firefighters, including paid-on-call firefighters;
14 clerks and dispatchers or other civilian employees of a fire
15 department or fire protection district who are not routinely
16 expected to perform firefighter duties; and elected officials.

17 (c) Qualification for placement on register of eligibles.
18 The purpose of establishing a register of eligibles is to
19 identify applicants who possess and demonstrate the mental
20 aptitude and physical ability to perform the duties required of
21 members of the fire department in order to provide the highest
22 quality of service to the public. To this end, all applicants
23 for original appointment to an affected fire department shall
24 be subject to examination and testing which shall be public,
25 competitive, and open to all applicants unless the municipality
26 shall by ordinance limit applicants to residents of the

1 municipality, county or counties in which the municipality is
2 located, State, or nation. Any examination and testing
3 procedure utilized under subsection (e) of this Section shall
4 be supported by appropriate validation evidence and shall
5 comply with all applicable State and federal laws.
6 Municipalities may establish educational, emergency medical
7 service licensure, and other prerequisites ~~prerequisites~~ for
8 participation in an examination or for hire as a firefighter.
9 Any municipality may charge a fee to cover the costs of the
10 application process.

11 Residency requirements in effect at the time an individual
12 enters the fire service of a municipality cannot be made more
13 restrictive for that individual during his or her period of
14 service for that municipality, or be made a condition of
15 promotion, except for the rank or position of fire chief and
16 for no more than 2 positions that rank immediately below that
17 of the chief rank which are appointed positions pursuant to the
18 Fire Department Promotion Act.

19 No person who is 35 years of age or older shall be eligible
20 to take an examination for a position as a firefighter unless
21 the person has had previous employment status as a firefighter
22 in the regularly constituted fire department of the
23 municipality, except as provided in this Section. The age
24 limitation does not apply to:

25 (1) any person previously employed as a full-time
26 firefighter in a regularly constituted fire department of

1 (i) any municipality or fire protection district located in
2 Illinois, (ii) a fire protection district whose
3 obligations were assumed by a municipality under Section 21
4 of the Fire Protection District Act, or (iii) a
5 municipality whose obligations were taken over by a fire
6 protection district,

7 (2) any person who has served a municipality as a
8 regularly enrolled volunteer, paid-on-call, or part-time
9 firefighter for the 5 years immediately preceding the time
10 that the municipality begins to use full-time firefighters
11 to provide all or part of its fire protection service, or

12 (3) any person who turned 35 while serving as a member
13 of the active or reserve components of any of the branches
14 of the Armed Forces of the United States or the National
15 Guard of any state, whose service was characterized as
16 honorable or under honorable, if separated from the
17 military, and is currently under the age of 40.

18 No person who is under 21 years of age shall be eligible
19 for employment as a firefighter.

20 No applicant shall be examined concerning his or her
21 political or religious opinions or affiliations. The
22 examinations shall be conducted by the commissioners of the
23 municipality or their designees and agents.

24 No municipality shall require that any firefighter
25 appointed to the lowest rank serve a probationary employment
26 period of longer than one year of actual active employment,

1 which may exclude periods of training, or injury or illness
2 leaves, including duty related leave, in excess of 30 calendar
3 days. Notwithstanding anything to the contrary in this Section,
4 the probationary employment period limitation may be extended
5 for a firefighter who is required, as a condition of
6 employment, to be a licensed paramedic, during which time the
7 sole reason that a firefighter may be discharged without a
8 hearing is for failing to meet the requirements for paramedic
9 licensure.

10 In the event that any applicant who has been found eligible
11 for appointment and whose name has been placed upon the final
12 eligibility register provided for in this Section has not been
13 appointed to a firefighter position within one year after the
14 date of his or her physical ability examination, the commission
15 may cause a second examination to be made of that applicant's
16 physical ability prior to his or her appointment. If, after the
17 second examination, the physical ability of the applicant shall
18 be found to be less than the minimum standard fixed by the
19 rules of the commission, the applicant shall not be appointed.
20 The applicant's name may be retained upon the register of
21 candidates eligible for appointment and when next reached for
22 certification and appointment that applicant may be again
23 examined as provided in this Section, and if the physical
24 ability of that applicant is found to be less than the minimum
25 standard fixed by the rules of the commission, the applicant
26 shall not be appointed, and the name of the applicant shall be

1 removed from the register.

2 (d) Notice, examination, and testing components. Notice of
3 the time, place, general scope, merit criteria for any
4 subjective component, and fee of every examination shall be
5 given by the commission, by a publication at least 2 weeks
6 preceding the examination: (i) in one or more newspapers
7 published in the municipality, or if no newspaper is published
8 therein, then in one or more newspapers with a general
9 circulation within the municipality, or (ii) on the
10 municipality's Internet website. Additional notice of the
11 examination may be given as the commission shall prescribe.

12 The examination and qualifying standards for employment of
13 firefighters shall be based on: mental aptitude, physical
14 ability, preferences, moral character, and health. The mental
15 aptitude, physical ability, and preference components shall
16 determine an applicant's qualification for and placement on the
17 final register of eligibles. The examination may also include a
18 subjective component based on merit criteria as determined by
19 the commission. Scores from the examination must be made
20 available to the public.

21 (e) Mental aptitude. No person who does not possess at
22 least a high school diploma or an equivalent high school
23 education shall be placed on a register of eligibles.
24 Examination of an applicant's mental aptitude shall be based
25 upon a written examination. The examination shall be practical
26 in character and relate to those matters that fairly test the

1 capacity of the persons examined to discharge the duties
2 performed by members of a fire department. Written examinations
3 shall be administered in a manner that ensures the security and
4 accuracy of the scores achieved.

5 (f) Physical ability. All candidates shall be required to
6 undergo an examination of their physical ability to perform the
7 essential functions included in the duties they may be called
8 upon to perform as a member of a fire department. For the
9 purposes of this Section, essential functions of the job are
10 functions associated with duties that a firefighter may be
11 called upon to perform in response to emergency calls. The
12 frequency of the occurrence of those duties as part of the fire
13 department's regular routine shall not be a controlling factor
14 in the design of examination criteria or evolutions selected
15 for testing. These physical examinations shall be open,
16 competitive, and based on industry standards designed to test
17 each applicant's physical abilities in the following
18 dimensions:

19 (1) Muscular strength to perform tasks and evolutions
20 that may be required in the performance of duties including
21 grip strength, leg strength, and arm strength. Tests shall
22 be conducted under anaerobic as well as aerobic conditions
23 to test both the candidate's speed and endurance in
24 performing tasks and evolutions. Tasks tested may be based
25 on standards developed, or approved, by the local
26 appointing authority.

1 (2) The ability to climb ladders, operate from heights,
2 walk or crawl in the dark along narrow and uneven surfaces,
3 and operate in proximity to hazardous environments.

4 (3) The ability to carry out critical, time-sensitive,
5 and complex problem solving during physical exertion in
6 stressful and hazardous environments. The testing
7 environment may be hot and dark with tightly enclosed
8 spaces, flashing lights, sirens, and other distractions.

9 The tests utilized to measure each applicant's
10 capabilities in each of these dimensions may be tests based on
11 industry standards currently in use or equivalent tests
12 approved by the Joint Labor-Management Committee of the Office
13 of the State Fire Marshal.

14 Physical ability examinations administered under this
15 Section shall be conducted with a reasonable number of proctors
16 and monitors, open to the public, and subject to reasonable
17 regulations of the commission.

18 (g) Scoring of examination components. Appointing
19 authorities may create a preliminary eligibility register. A
20 person shall be placed on the list based upon his or her
21 passage of the written examination or the passage of the
22 written examination and the physical ability component.
23 Passage of the written examination means attaining the minimum
24 score set by the commission. Minimum scores should be set by
25 the commission so as to demonstrate a candidate's ability to
26 perform the essential functions of the job. The minimum score

1 set by the commission shall be supported by appropriate
2 validation evidence and shall comply with all applicable State
3 and federal laws. The appointing authority may conduct the
4 physical ability component and any subjective components
5 subsequent to the posting of the preliminary eligibility
6 register.

7 The examination components for an initial eligibility
8 register shall be graded on a 100-point scale. A person's
9 position on the list shall be determined by the following: (i)
10 the person's score on the written examination, (ii) the person
11 successfully passing the physical ability component, and (iii)
12 the person's results on any subjective component as described
13 in subsection (d).

14 In order to qualify for placement on the final eligibility
15 register, an applicant's score on the written examination,
16 before any applicable preference points or subjective points
17 are applied, shall be at or above the minimum score as set by
18 the commission. The local appointing authority may prescribe
19 the score to qualify for placement on the final eligibility
20 register, but the score shall not be less than the minimum
21 score set by the commission.

22 The commission shall prepare and keep a register of persons
23 whose total score is not less than the minimum score for
24 passage and who have passed the physical ability examination.
25 These persons shall take rank upon the register as candidates
26 in the order of their relative excellence based on the highest

1 to the lowest total points scored on the mental aptitude,
2 subjective component, and preference components of the test
3 administered in accordance with this Section. No more than 60
4 days after each examination, an initial eligibility list shall
5 be posted by the commission. The list shall include the final
6 grades of the candidates without reference to priority of the
7 time of examination and subject to claim for preference credit.

8 Commissions may conduct additional examinations, including
9 without limitation a polygraph test, after a final eligibility
10 register is established and before it expires with the
11 candidates ranked by total score without regard to date of
12 examination. No more than 60 days after each examination, an
13 initial eligibility list shall be posted by the commission
14 showing the final grades of the candidates without reference to
15 priority of time of examination and subject to claim for
16 preference credit.

17 (h) Preferences. The following are preferences:

18 (1) Veteran preference. Persons who were engaged in the
19 military service of the United States for a period of at
20 least one year of active duty and who were honorably
21 discharged therefrom, or who are now or have been members
22 on inactive or reserve duty in such military or naval
23 service, shall be preferred for appointment to and
24 employment with the fire department of an affected
25 department.

26 (2) Fire cadet preference. Persons who have

1 successfully completed 2 years of study in fire techniques
2 or cadet training within a cadet program established under
3 the rules of the Joint Labor and Management Committee
4 (JLMC), as defined in Section 50 of the Fire Department
5 Promotion Act, may be preferred for appointment to and
6 employment with the fire department.

7 (3) Educational preference. Persons who have
8 successfully obtained an associate's degree in the field of
9 fire service or emergency medical services, or a bachelor's
10 degree from an accredited college or university may be
11 preferred for appointment to and employment with the fire
12 department.

13 (4) Paramedic preference. Persons who have obtained a
14 license as a paramedic shall be preferred for appointment
15 to and employment with the fire department of an affected
16 department providing emergency medical services.

17 (5) Experience preference. All persons employed by a
18 municipality who have been paid-on-call or part-time
19 certified Firefighter II, State of Illinois or nationally
20 licensed EMT, EMT-I, A-EMT, or any combination of those
21 capacities shall be awarded 0.5 point for each year of
22 successful service in one or more of those capacities, up
23 to a maximum of 5 points. Certified Firefighter III and
24 State of Illinois or nationally licensed paramedics shall
25 be awarded one point per year up to a maximum of 5 points.
26 Applicants from outside the municipality who were employed

1 as full-time firefighters or firefighter-paramedics by a
2 fire protection district or another municipality for at
3 least 2 years shall be awarded 5 experience preference
4 points. These additional points presuppose a rating scale
5 totaling 100 points available for the eligibility list. If
6 more or fewer points are used in the rating scale for the
7 eligibility list, the points awarded under this subsection
8 shall be increased or decreased by a factor equal to the
9 total possible points available for the examination
10 divided by 100.

11 Upon request by the commission, the governing body of
12 the municipality or in the case of applicants from outside
13 the municipality the governing body of any fire protection
14 district or any other municipality shall certify to the
15 commission, within 10 days after the request, the number of
16 years of successful paid-on-call, part-time, or full-time
17 service of any person. A candidate may not receive the full
18 amount of preference points under this subsection if the
19 amount of points awarded would place the candidate before a
20 veteran on the eligibility list. If more than one candidate
21 receiving experience preference points is prevented from
22 receiving all of their points due to not being allowed to
23 pass a veteran, the candidates shall be placed on the list
24 below the veteran in rank order based on the totals
25 received if all points under this subsection were to be
26 awarded. Any remaining ties on the list shall be determined

1 by lot.

2 (6) Residency preference. Applicants whose principal
3 residence is located within the fire department's
4 jurisdiction shall be preferred for appointment to and
5 employment with the fire department.

6 (7) Additional preferences. Up to 5 additional
7 preference points may be awarded for unique categories
8 based on an applicant's experience or background as
9 identified by the commission.

10 (7.5) Apprentice preferences. A person who has
11 performed fire suppression service for a department as a
12 firefighter apprentice and otherwise meet the
13 qualifications for original appointment as a firefighter
14 specified in this Section are eligible to be awarded up to
15 20 preference points. To qualify for preference points, an
16 applicant shall have completed a minimum of 600 hours of
17 fire suppression work on a regular shift for the affected
18 fire department over a 12-month period. The fire
19 suppression work must be in accordance with Section
20 10-2.1-4 of this Division and the terms established by a
21 Joint Apprenticeship Committee included in a collective
22 bargaining agreement agreed between the employer and its
23 certified bargaining agent. An eligible applicant must
24 apply to the Joint Apprenticeship Committee for preference
25 points under this item. The Joint Apprenticeship Committee
26 shall evaluate the merit of the applicant's performance,

1 determine the preference points to be awarded, and certify
2 the amount of points awarded to the commissioners. The
3 commissioners may add the certified preference points to
4 the final grades achieved by the applicant on the other
5 components of the examination.

6 (8) Scoring of preferences. The commission may give
7 preference for original appointment to persons designated
8 in item (1) by adding to the final grade that they receive
9 5 points for the recognized preference achieved. The
10 commission may give preference for original appointment to
11 persons designated in item (7.5) by adding to the final
12 grade the amount of points designated by the Joint
13 Apprenticeship Committee as defined in item (7.5). The
14 commission shall determine the number of preference points
15 for each category, except (1) and (7.5). The number of
16 preference points for each category shall range from 0 to
17 5, except item (7.5). In determining the number of
18 preference points, the commission shall prescribe that if a
19 candidate earns the maximum number of preference points in
20 all categories except item (7.5), that number may not be
21 less than 10 nor more than 30. The commission shall give
22 preference for original appointment to persons designated
23 in items (2) through (7) by adding the requisite number of
24 points to the final grade for each recognized preference
25 achieved. The numerical result thus attained shall be
26 applied by the commission in determining the final

1 eligibility list and appointment from the eligibility
2 list. The local appointing authority may prescribe the
3 total number of preference points awarded under this
4 Section, but the total number of preference points, except
5 item (7.5), shall not be less than 10 points or more than
6 30 points. Apprentice preference points may be added in
7 addition to other preference points awarded by the
8 commission.

9 No person entitled to any preference shall be required to
10 claim the credit before any examination held under the
11 provisions of this Section, but the preference may be given
12 after the posting or publication of the initial eligibility
13 list or register at the request of a person entitled to a
14 credit before any certification or appointments are made from
15 the eligibility register, upon the furnishing of verifiable
16 evidence and proof of qualifying preference credit. Candidates
17 who are eligible for preference credit may make a claim in
18 writing within 10 days after the posting of the initial
19 eligibility list, or the claim may be deemed waived. Final
20 eligibility registers may be established after the awarding of
21 verified preference points. However, apprentice preference
22 credit earned subsequent to the establishment of the final
23 eligibility register may be applied to the applicant's score
24 upon certification by the Joint Apprenticeship Committee to the
25 commission and the rank order of candidates on the final
26 eligibility register shall be adjusted accordingly. All

1 employment shall be subject to the commission's initial hire
2 background review, including, but not limited to, criminal
3 history, employment history, moral character, oral
4 examination, and medical and psychological examinations, all
5 on a pass-fail basis. The medical and psychological
6 examinations must be conducted last, and may only be performed
7 after a conditional offer of employment has been extended.

8 Any person placed on an eligibility list who exceeds the
9 age requirement before being appointed to a fire department
10 shall remain eligible for appointment until the list is
11 abolished, or his or her name has been on the list for a period
12 of 2 years. No person who has attained the age of 35 years
13 shall be inducted into a fire department, except as otherwise
14 provided in this Section.

15 The commission shall strike off the names of candidates for
16 original appointment after the names have been on the list for
17 more than 2 years.

18 (i) Moral character. No person shall be appointed to a fire
19 department unless he or she is a person of good character; not
20 a habitual drunkard, a gambler, or a person who has been
21 convicted of a felony or a crime involving moral turpitude.
22 However, no person shall be disqualified from appointment to
23 the fire department because of the person's record of
24 misdemeanor convictions except those under Sections 11-6,
25 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
26 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,

1 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
2 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, or arrest for any cause without
4 conviction thereon. Any such person who is in the department
5 may be removed on charges brought for violating this subsection
6 and after a trial as hereinafter provided.

7 A classifiable set of the fingerprints of every person who
8 is offered employment as a certificated member of an affected
9 fire department whether with or without compensation, shall be
10 furnished to the Illinois Department of State Police and to the
11 Federal Bureau of Investigation by the commission.

12 Whenever a commission is authorized or required by law to
13 consider some aspect of criminal history record information for
14 the purpose of carrying out its statutory powers and
15 responsibilities, then, upon request and payment of fees in
16 conformance with the requirements of Section 2605-400 of the
17 State Police Law of the Civil Administrative Code of Illinois,
18 the Department of State Police is authorized to furnish,
19 pursuant to positive identification, the information contained
20 in State files as is necessary to fulfill the request.

21 (j) Temporary appointments. In order to prevent a stoppage
22 of public business, to meet extraordinary exigencies, or to
23 prevent material impairment of the fire department, the
24 commission may make temporary appointments, to remain in force
25 only until regular appointments are made under the provisions
26 of this Division, but never to exceed 60 days. No temporary

1 appointment of any one person shall be made more than twice in
2 any calendar year.

3 (k) A person who knowingly divulges or receives test
4 questions or answers before a written examination, or otherwise
5 knowingly violates or subverts any requirement of this Section,
6 commits a violation of this Section and may be subject to
7 charges for official misconduct.

8 A person who is the knowing recipient of test information
9 in advance of the examination shall be disqualified from the
10 examination or discharged from the position to which he or she
11 was appointed, as applicable, and otherwise subjected to
12 disciplinary actions.

13 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
14 revised 11-26-19.)

15 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

16 Sec. 11-74.4-8. Tax increment allocation financing. A
17 municipality may not adopt tax increment financing in a
18 redevelopment project area after July 30, 1997 (the effective
19 date of Public Act 90-258) ~~this amendatory Act of 1997~~ that
20 will encompass an area that is currently included in an
21 enterprise zone created under the Illinois Enterprise Zone Act
22 unless that municipality, pursuant to Section 5.4 of the
23 Illinois Enterprise Zone Act, amends the enterprise zone
24 designating ordinance to limit the eligibility for tax
25 abatements as provided in Section 5.4.1 of the Illinois

1 Enterprise Zone Act. A municipality, at the time a
2 redevelopment project area is designated, may adopt tax
3 increment allocation financing by passing an ordinance
4 providing that the ad valorem taxes, if any, arising from the
5 levies upon taxable real property in such redevelopment project
6 area by taxing districts and tax rates determined in the manner
7 provided in paragraph (c) of Section 11-74.4-9 each year after
8 the effective date of the ordinance until redevelopment project
9 costs and all municipal obligations financing redevelopment
10 project costs incurred under this Division have been paid shall
11 be divided as follows, provided, however, that with respect to
12 any redevelopment project area located within a transit
13 facility improvement area established pursuant to Section
14 11-74.4-3.3 in a municipality with a population of 1,000,000 or
15 more, ad valorem taxes, if any, arising from the levies upon
16 taxable real property in such redevelopment project area shall
17 be allocated as specifically provided in this Section:

18 (a) That portion of taxes levied upon each taxable lot,
19 block, tract, or parcel of real property which is
20 attributable to the lower of the current equalized assessed
21 value or the initial equalized assessed value of each such
22 taxable lot, block, tract, or parcel of real property in
23 the redevelopment project area shall be allocated to and
24 when collected shall be paid by the county collector to the
25 respective affected taxing districts in the manner
26 required by law in the absence of the adoption of tax

1 increment allocation financing.

2 (b) Except from a tax levied by a township to retire
3 bonds issued to satisfy court-ordered damages, that
4 portion, if any, of such taxes which is attributable to the
5 increase in the current equalized assessed valuation of
6 each taxable lot, block, tract, or parcel of real property
7 in the redevelopment project area over and above the
8 initial equalized assessed value of each property in the
9 project area shall be allocated to and when collected shall
10 be paid to the municipal treasurer who shall deposit said
11 taxes into a special fund called the special tax allocation
12 fund of the municipality for the purpose of paying
13 redevelopment project costs and obligations incurred in
14 the payment thereof. In any county with a population of
15 3,000,000 or more that has adopted a procedure for
16 collecting taxes that provides for one or more of the
17 installments of the taxes to be billed and collected on an
18 estimated basis, the municipal treasurer shall be paid for
19 deposit in the special tax allocation fund of the
20 municipality, from the taxes collected from estimated
21 bills issued for property in the redevelopment project
22 area, the difference between the amount actually collected
23 from each taxable lot, block, tract, or parcel of real
24 property within the redevelopment project area and an
25 amount determined by multiplying the rate at which taxes
26 were last extended against the taxable lot, block, tract

1 ~~tract~~, or parcel of real property in the manner provided in
2 subsection (c) of Section 11-74.4-9 by the initial
3 equalized assessed value of the property divided by the
4 number of installments in which real estate taxes are
5 billed and collected within the county; provided that the
6 payments on or before December 31, 1999 to a municipal
7 treasurer shall be made only if each of the following
8 conditions are met:

9 (1) The total equalized assessed value of the
10 redevelopment project area as last determined was not
11 less than 175% of the total initial equalized assessed
12 value.

13 (2) Not more than 50% of the total equalized
14 assessed value of the redevelopment project area as
15 last determined is attributable to a piece of property
16 assigned a single real estate index number.

17 (3) The municipal clerk has certified to the county
18 clerk that the municipality has issued its obligations
19 to which there has been pledged the incremental
20 property taxes of the redevelopment project area or
21 taxes levied and collected on any or all property in
22 the municipality or the full faith and credit of the
23 municipality to pay or secure payment for all or a
24 portion of the redevelopment project costs. The
25 certification shall be filed annually no later than
26 September 1 for the estimated taxes to be distributed

1 in the following year; however, for the year 1992 the
2 certification shall be made at any time on or before
3 March 31, 1992.

4 (4) The municipality has not requested that the
5 total initial equalized assessed value of real
6 property be adjusted as provided in subsection (b) of
7 Section 11-74.4-9.

8 The conditions of paragraphs (1) through (4) do not
9 apply after December 31, 1999 to payments to a municipal
10 treasurer made by a county with 3,000,000 or more
11 inhabitants that has adopted an estimated billing
12 procedure for collecting taxes. If a county that has
13 adopted the estimated billing procedure makes an erroneous
14 overpayment of tax revenue to the municipal treasurer, then
15 the county may seek a refund of that overpayment. The
16 county shall send the municipal treasurer a notice of
17 liability for the overpayment on or before the mailing date
18 of the next real estate tax bill within the county. The
19 refund shall be limited to the amount of the overpayment.

20 It is the intent of this Division that after July 29,
21 1988 (the effective date of Public Act 85-1142) ~~this~~
22 ~~amendatory Act of 1988~~ a municipality's own ad valorem tax
23 arising from levies on taxable real property be included in
24 the determination of incremental revenue in the manner
25 provided in paragraph (c) of Section 11-74.4-9. If the
26 municipality does not extend such a tax, it shall annually

1 deposit in the municipality's Special Tax Increment Fund an
2 amount equal to 10% of the total contributions to the fund
3 from all other taxing districts in that year. The annual
4 10% deposit required by this paragraph shall be limited to
5 the actual amount of municipally produced incremental tax
6 revenues available to the municipality from taxpayers
7 located in the redevelopment project area in that year if:
8 (a) the plan for the area restricts the use of the property
9 primarily to industrial purposes, (b) the municipality
10 establishing the redevelopment project area is a home rule
11 ~~home-rule~~ community with a 1990 population of between
12 25,000 and 50,000, (c) the municipality is wholly located
13 within a county with a 1990 population of over 750,000 and
14 (d) the redevelopment project area was established by the
15 municipality prior to June 1, 1990. This payment shall be
16 in lieu of a contribution of ad valorem taxes on real
17 property. If no such payment is made, any redevelopment
18 project area of the municipality shall be dissolved.

19 If a municipality has adopted tax increment allocation
20 financing by ordinance and the County Clerk thereafter
21 certifies the "total initial equalized assessed value as
22 adjusted" of the taxable real property within such
23 redevelopment project area in the manner provided in
24 paragraph (b) of Section 11-74.4-9, each year after the
25 date of the certification of the total initial equalized
26 assessed value as adjusted until redevelopment project

1 costs and all municipal obligations financing
2 redevelopment project costs have been paid the ad valorem
3 taxes, if any, arising from the levies upon the taxable
4 real property in such redevelopment project area by taxing
5 districts and tax rates determined in the manner provided
6 in paragraph (c) of Section 11-74.4-9 shall be divided as
7 follows, provided, however, that with respect to any
8 redevelopment project area located within a transit
9 facility improvement area established pursuant to Section
10 11-74.4-3.3 in a municipality with a population of
11 1,000,000 or more, ad valorem taxes, if any, arising from
12 the levies upon the taxable real property in such
13 redevelopment project area shall be allocated as
14 specifically provided in this Section:

15 (1) That portion of the taxes levied upon each
16 taxable lot, block, tract, or parcel of real property
17 which is attributable to the lower of the current
18 equalized assessed value or "current equalized
19 assessed value as adjusted" or the initial equalized
20 assessed value of each such taxable lot, block, tract,
21 or parcel of real property existing at the time tax
22 increment financing was adopted, minus the total
23 current homestead exemptions under Article 15 of the
24 Property Tax Code in the redevelopment project area
25 shall be allocated to and when collected shall be paid
26 by the county collector to the respective affected

1 taxing districts in the manner required by law in the
2 absence of the adoption of tax increment allocation
3 financing.

4 (2) That portion, if any, of such taxes which is
5 attributable to the increase in the current equalized
6 assessed valuation of each taxable lot, block, tract,
7 or parcel of real property in the redevelopment project
8 area, over and above the initial equalized assessed
9 value of each property existing at the time tax
10 increment financing was adopted, minus the total
11 current homestead exemptions pertaining to each piece
12 of property provided by Article 15 of the Property Tax
13 Code in the redevelopment project area, shall be
14 allocated to and when collected shall be paid to the
15 municipal Treasurer, who shall deposit said taxes into
16 a special fund called the special tax allocation fund
17 of the municipality for the purpose of paying
18 redevelopment project costs and obligations incurred
19 in the payment thereof.

20 The municipality may pledge in the ordinance the funds
21 in and to be deposited in the special tax allocation fund
22 for the payment of such costs and obligations. No part of
23 the current equalized assessed valuation of each property
24 in the redevelopment project area attributable to any
25 increase above the total initial equalized assessed value,
26 or the total initial equalized assessed value as adjusted,

1 of such properties shall be used in calculating the general
2 State aid formula, provided for in Section 18-8 of the
3 School Code, or the evidence-based funding formula,
4 provided for in Section 18-8.15 of the School Code, until
5 such time as all redevelopment project costs have been paid
6 as provided for in this Section.

7 Whenever a municipality issues bonds for the purpose of
8 financing redevelopment project costs, such municipality
9 may provide by ordinance for the appointment of a trustee,
10 which may be any trust company within the State, and for
11 the establishment of such funds or accounts to be
12 maintained by such trustee as the municipality shall deem
13 necessary to provide for the security and payment of the
14 bonds. If such municipality provides for the appointment of
15 a trustee, such trustee shall be considered the assignee of
16 any payments assigned by the municipality pursuant to such
17 ordinance and this Section. Any amounts paid to such
18 trustee as assignee shall be deposited in the funds or
19 accounts established pursuant to such trust agreement, and
20 shall be held by such trustee in trust for the benefit of
21 the holders of the bonds, and such holders shall have a
22 lien on and a security interest in such funds or accounts
23 so long as the bonds remain outstanding and unpaid. Upon
24 retirement of the bonds, the trustee shall pay over any
25 excess amounts held to the municipality for deposit in the
26 special tax allocation fund.

1 When such redevelopment projects costs, including,
2 without limitation, all municipal obligations financing
3 redevelopment project costs incurred under this Division,
4 have been paid, all surplus funds then remaining in the
5 special tax allocation fund shall be distributed by being
6 paid by the municipal treasurer to the Department of
7 Revenue, the municipality and the county collector; first
8 to the Department of Revenue and the municipality in direct
9 proportion to the tax incremental revenue received from the
10 State and the municipality, but not to exceed the total
11 incremental revenue received from the State or the
12 municipality less any annual surplus distribution of
13 incremental revenue previously made; with any remaining
14 funds to be paid to the County Collector who shall
15 immediately thereafter pay said funds to the taxing
16 districts in the redevelopment project area in the same
17 manner and proportion as the most recent distribution by
18 the county collector to the affected districts of real
19 property taxes from real property in the redevelopment
20 project area.

21 Upon the payment of all redevelopment project costs,
22 the retirement of obligations, the distribution of any
23 excess monies pursuant to this Section, and final closing
24 of the books and records of the redevelopment project area,
25 the municipality shall adopt an ordinance dissolving the
26 special tax allocation fund for the redevelopment project

1 area and terminating the designation of the redevelopment
2 project area as a redevelopment project area. Title to real
3 or personal property and public improvements acquired by or
4 for the municipality as a result of the redevelopment
5 project and plan shall vest in the municipality when
6 acquired and shall continue to be held by the municipality
7 after the redevelopment project area has been terminated.
8 Municipalities shall notify affected taxing districts
9 prior to November 1 if the redevelopment project area is to
10 be terminated by December 31 of that same year. If a
11 municipality extends estimated dates of completion of a
12 redevelopment project and retirement of obligations to
13 finance a redevelopment project, as allowed by Public Act
14 87-1272 ~~this amendatory Act of 1993~~, that extension shall
15 not extend the property tax increment allocation financing
16 authorized by this Section. Thereafter the rates of the
17 taxing districts shall be extended and taxes levied,
18 collected and distributed in the manner applicable in the
19 absence of the adoption of tax increment allocation
20 financing.

21 If a municipality with a population of 1,000,000 or
22 more has adopted by ordinance tax increment allocation
23 financing for a redevelopment project area located in a
24 transit facility improvement area established pursuant to
25 Section 11-74.4-3.3, for each year after the effective date
26 of the ordinance until redevelopment project costs and all

1 municipal obligations financing redevelopment project
2 costs have been paid, the ad valorem taxes, if any, arising
3 from the levies upon the taxable real property in that
4 redevelopment project area by taxing districts and tax
5 rates determined in the manner provided in paragraph (c) of
6 Section 11-74.4-9 shall be divided as follows:

7 (1) That portion of the taxes levied upon each
8 taxable lot, block, tract, or parcel of real property
9 which is attributable to the lower of (i) the current
10 equalized assessed value or "current equalized
11 assessed value as adjusted" or (ii) the initial
12 equalized assessed value of each such taxable lot,
13 block, tract, or parcel of real property existing at
14 the time tax increment financing was adopted, minus the
15 total current homestead exemptions under Article 15 of
16 the Property Tax Code in the redevelopment project area
17 shall be allocated to and when collected shall be paid
18 by the county collector to the respective affected
19 taxing districts in the manner required by law in the
20 absence of the adoption of tax increment allocation
21 financing.

22 (2) That portion, if any, of such taxes which is
23 attributable to the increase in the current equalized
24 assessed valuation of each taxable lot, block, tract,
25 or parcel of real property in the redevelopment project
26 area, over and above the initial equalized assessed

1 value of each property existing at the time tax
2 increment financing was adopted, minus the total
3 current homestead exemptions pertaining to each piece
4 of property provided by Article 15 of the Property Tax
5 Code in the redevelopment project area, shall be
6 allocated to and when collected shall be paid by the
7 county collector as follows:

8 (A) First, that portion which would be payable
9 to a school district whose boundaries are
10 coterminous with such municipality in the absence
11 of the adoption of tax increment allocation
12 financing, shall be paid to such school district in
13 the manner required by law in the absence of the
14 adoption of tax increment allocation financing;
15 then

16 (B) 80% of the remaining portion shall be paid
17 to the municipal Treasurer, who shall deposit said
18 taxes into a special fund called the special tax
19 allocation fund of the municipality for the
20 purpose of paying redevelopment project costs and
21 obligations incurred in the payment thereof; and
22 then

23 (C) 20% of the remaining portion shall be paid
24 to the respective affected taxing districts, other
25 than the school district described in clause (a)
26 above, in the manner required by law in the absence

1 of the adoption of tax increment allocation
2 financing.

3 Nothing in this Section shall be construed as relieving
4 property in such redevelopment project areas from being
5 assessed as provided in the Property Tax Code or as relieving
6 owners of such property from paying a uniform rate of taxes, as
7 required by Section 4 of Article IX of the Illinois
8 Constitution.

9 (Source: P.A. 99-792, eff. 8-12-16; 100-465, eff. 8-31-17;
10 revised 8-8-19.)

11 (65 ILCS 5/11-74.6-35)

12 Sec. 11-74.6-35. Ordinance for tax increment allocation
13 financing.

14 (a) A municipality, at the time a redevelopment project
15 area is designated, may adopt tax increment allocation
16 financing by passing an ordinance providing that the ad valorem
17 taxes, if any, arising from the levies upon taxable real
18 property within the redevelopment project area by taxing
19 districts and tax rates determined in the manner provided in
20 subsection (b) of Section 11-74.6-40 each year after the
21 effective date of the ordinance until redevelopment project
22 costs and all municipal obligations financing redevelopment
23 project costs incurred under this Act have been paid shall be
24 divided as follows:

25 (1) That portion of the taxes levied upon each taxable

1 lot, block, tract, or parcel of real property that is
2 attributable to the lower of the current equalized assessed
3 value or the initial equalized assessed value or the
4 updated initial equalized assessed value of each taxable
5 lot, block, tract, or parcel of real property in the
6 redevelopment project area shall be allocated to and when
7 collected shall be paid by the county collector to the
8 respective affected taxing districts in the manner
9 required by law without regard to the adoption of tax
10 increment allocation financing.

11 (2) That portion, if any, of those taxes that is
12 attributable to the increase in the current equalized
13 assessed value of each taxable lot, block, tract, or parcel
14 of real property in the redevelopment project area, over
15 and above the initial equalized assessed value or the
16 updated initial equalized assessed value of each property
17 in the project area, shall be allocated to and when
18 collected shall be paid by the county collector to the
19 municipal treasurer who shall deposit that portion of those
20 taxes into a special fund called the special tax allocation
21 fund of the municipality for the purpose of paying
22 redevelopment project costs and obligations incurred in
23 the payment of those costs and obligations. In any county
24 with a population of 3,000,000 or more that has adopted a
25 procedure for collecting taxes that provides for one or
26 more of the installments of the taxes to be billed and

1 collected on an estimated basis, the municipal treasurer
2 shall be paid for deposit in the special tax allocation
3 fund of the municipality, from the taxes collected from
4 estimated bills issued for property in the redevelopment
5 project area, the difference between the amount actually
6 collected from each taxable lot, block, tract, or parcel of
7 real property within the redevelopment project area and an
8 amount determined by multiplying the rate at which taxes
9 were last extended against the taxable lot, block, tract
10 ~~tract~~, or parcel of real property in the manner provided in
11 subsection (b) of Section 11-74.6-40 by the initial
12 equalized assessed value or the updated initial equalized
13 assessed value of the property divided by the number of
14 installments in which real estate taxes are billed and
15 collected within the county, provided that the payments on
16 or before December 31, 1999 to a municipal treasurer shall
17 be made only if each of the following conditions are met:

18 (A) The total equalized assessed value of the
19 redevelopment project area as last determined was not
20 less than 175% of the total initial equalized assessed
21 value.

22 (B) Not more than 50% of the total equalized
23 assessed value of the redevelopment project area as
24 last determined is attributable to a piece of property
25 assigned a single real estate index number.

26 (C) The municipal clerk has certified to the county

1 clerk that the municipality has issued its obligations
2 to which there has been pledged the incremental
3 property taxes of the redevelopment project area or
4 taxes levied and collected on any or all property in
5 the municipality or the full faith and credit of the
6 municipality to pay or secure payment for all or a
7 portion of the redevelopment project costs. The
8 certification shall be filed annually no later than
9 September 1 for the estimated taxes to be distributed
10 in the following year.

11 The conditions of paragraphs (A) through (C) do not apply
12 after December 31, 1999 to payments to a municipal treasurer
13 made by a county with 3,000,000 or more inhabitants that has
14 adopted an estimated billing procedure for collecting taxes. If
15 a county that has adopted the estimated billing procedure makes
16 an erroneous overpayment of tax revenue to the municipal
17 treasurer, then the county may seek a refund of that
18 overpayment. The county shall send the municipal treasurer a
19 notice of liability for the overpayment on or before the
20 mailing date of the next real estate tax bill within the
21 county. The refund shall be limited to the amount of the
22 overpayment.

23 (b) It is the intent of this Act that a municipality's own
24 ad valorem tax arising from levies on taxable real property be
25 included in the determination of incremental revenue in the
26 manner provided in paragraph (b) of Section 11-74.6-40.

1 (c) If a municipality has adopted tax increment allocation
2 financing for a redevelopment project area by ordinance and the
3 county clerk thereafter certifies the total initial equalized
4 assessed value or the total updated initial equalized assessed
5 value of the taxable real property within such redevelopment
6 project area in the manner provided in paragraph (a) or (b) of
7 Section 11-74.6-40, each year after the date of the
8 certification of the total initial equalized assessed value or
9 the total updated initial equalized assessed value until
10 redevelopment project costs and all municipal obligations
11 financing redevelopment project costs have been paid, the ad
12 valorem taxes, if any, arising from the levies upon the taxable
13 real property in the redevelopment project area by taxing
14 districts and tax rates determined in the manner provided in
15 paragraph (b) of Section 11-74.6-40 shall be divided as
16 follows:

17 (1) That portion of the taxes levied upon each taxable
18 lot, block, tract or parcel of real property that is
19 attributable to the lower of the current equalized assessed
20 value or the initial equalized assessed value, or the
21 updated initial equalized assessed value of each parcel if
22 the updated initial equalized assessed value of that parcel
23 has been certified in accordance with Section 11-74.6-40,
24 whichever has been most recently certified, of each taxable
25 lot, block, tract, or parcel of real property existing at
26 the time tax increment allocation financing was adopted in

1 the redevelopment project area, shall be allocated to and
2 when collected shall be paid by the county collector to the
3 respective affected taxing districts in the manner
4 required by law without regard to the adoption of tax
5 increment allocation financing.

6 (2) That portion, if any, of those taxes that is
7 attributable to the increase in the current equalized
8 assessed value of each taxable lot, block, tract, or parcel
9 of real property in the redevelopment project area, over
10 and above the initial equalized assessed value of each
11 property existing at the time tax increment allocation
12 financing was adopted in the redevelopment project area, or
13 the updated initial equalized assessed value of each parcel
14 if the updated initial equalized assessed value of that
15 parcel has been certified in accordance with Section
16 11-74.6-40, shall be allocated to and when collected shall
17 be paid to the municipal treasurer, who shall deposit those
18 taxes into a special fund called the special tax allocation
19 fund of the municipality for the purpose of paying
20 redevelopment project costs and obligations incurred in
21 the payment thereof.

22 (d) The municipality may pledge in the ordinance the funds
23 in and to be deposited in the special tax allocation fund for
24 the payment of redevelopment project costs and obligations. No
25 part of the current equalized assessed value of each property
26 in the redevelopment project area attributable to any increase

1 above the total initial equalized assessed value or the total
2 initial updated equalized assessed value of the property, shall
3 be used in calculating the general State aid formula, provided
4 for in Section 18-8 of the School Code, or the evidence-based
5 funding formula, provided for in Section 18-8.15 of the School
6 Code, until all redevelopment project costs have been paid as
7 provided for in this Section.

8 Whenever a municipality issues bonds for the purpose of
9 financing redevelopment project costs, that municipality may
10 provide by ordinance for the appointment of a trustee, which
11 may be any trust company within the State, and for the
12 establishment of any funds or accounts to be maintained by that
13 trustee, as the municipality deems necessary to provide for the
14 security and payment of the bonds. If the municipality provides
15 for the appointment of a trustee, the trustee shall be
16 considered the assignee of any payments assigned by the
17 municipality under that ordinance and this Section. Any amounts
18 paid to the trustee as assignee shall be deposited into the
19 funds or accounts established under the trust agreement, and
20 shall be held by the trustee in trust for the benefit of the
21 holders of the bonds. The holders of those bonds shall have a
22 lien on and a security interest in those funds or accounts
23 while the bonds remain outstanding and unpaid. Upon retirement
24 of the bonds, the trustee shall pay over any excess amounts
25 held to the municipality for deposit in the special tax
26 allocation fund.

1 When the redevelopment projects costs, including without
2 limitation all municipal obligations financing redevelopment
3 project costs incurred under this Law, have been paid, all
4 surplus funds then remaining in the special tax allocation fund
5 shall be distributed by being paid by the municipal treasurer
6 to the municipality and the county collector; first to the
7 municipality in direct proportion to the tax incremental
8 revenue received from the municipality, but not to exceed the
9 total incremental revenue received from the municipality,
10 minus any annual surplus distribution of incremental revenue
11 previously made. Any remaining funds shall be paid to the
12 county collector who shall immediately distribute that payment
13 to the taxing districts in the redevelopment project area in
14 the same manner and proportion as the most recent distribution
15 by the county collector to the affected districts of real
16 property taxes from real property situated in the redevelopment
17 project area.

18 Upon the payment of all redevelopment project costs,
19 retirement of obligations and the distribution of any excess
20 moneys under this Section, the municipality shall adopt an
21 ordinance dissolving the special tax allocation fund for the
22 redevelopment project area and terminating the designation of
23 the redevelopment project area as a redevelopment project area.
24 Thereafter the tax levies of taxing districts shall be
25 extended, collected and distributed in the same manner
26 applicable before the adoption of tax increment allocation

1 financing. Municipality shall notify affected taxing districts
2 prior to November if the redevelopment project area is to be
3 terminated by December 31 of that same year.

4 Nothing in this Section shall be construed as relieving
5 property in a redevelopment project area from being assessed as
6 provided in the Property Tax Code or as relieving owners of
7 that property from paying a uniform rate of taxes, as required
8 by Section 4 of Article IX of the Illinois Constitution.

9 (Source: P.A. 100-465, eff. 8-31-17; revised 8-8-19.)

10 Section 260. The River Edge Redevelopment Zone Act is
11 amended by changing Section 10-10.4 as follows:

12 (65 ILCS 115/10-10.4)

13 Sec. 10-10.4. Certified payroll. ~~(a)~~ Any contractor and
14 each subcontractor who is engaged in and is executing a River
15 Edge construction jobs project for a taxpayer that is entitled
16 to a credit pursuant to Section 10-10.3 of this Act shall:

17 (1) make and keep, for a period of 5 years from the
18 date of the last payment made on or after June 5, 2019 (the
19 effective date of Public Act 101-9) ~~this amendatory Act of~~
20 ~~the 101st General Assembly~~ on a contract or subcontract for
21 a River Edge Construction Jobs Project in a River Edge
22 Redevelopment Zone records of all laborers and other
23 workers employed by them on the project; the records shall
24 include:

- 1 (A) the worker's name;
- 2 (B) the worker's address;
- 3 (C) the worker's telephone number, if available;
- 4 (D) the worker's social security number;
- 5 (E) the worker's classification or
- 6 classifications;
- 7 (F) the worker's gross and net wages paid in each
- 8 pay period;
- 9 (G) the worker's number of hours worked each day;
- 10 (H) the worker's starting and ending times of work
- 11 each day;
- 12 (I) the worker's hourly wage rate; and
- 13 (J) the worker's hourly overtime wage rate; and
- 14 (2) no later than the 15th day of each calendar month,
- 15 provide a certified payroll for the immediately preceding
- 16 month to the taxpayer in charge of the project; within 5
- 17 business days after receiving the certified payroll, the
- 18 taxpayer shall file the certified payroll with the
- 19 Department of Labor and the Department of Commerce and
- 20 Economic Opportunity; a certified payroll must be filed for
- 21 only those calendar months during which construction on a
- 22 River Edge Construction Jobs Project has occurred; the
- 23 certified payroll shall consist of a complete copy of the
- 24 records identified in paragraph (1), but may exclude the
- 25 starting and ending times of work each day; the certified
- 26 payroll shall be accompanied by a statement signed by the

1 contractor or subcontractor or an officer, employee, or
2 agent of the contractor or subcontractor which avers that:

3 (A) he or she has examined the certified payroll
4 records required to be submitted and such records are
5 true and accurate; and

6 (B) the contractor or subcontractor is aware that
7 filing a certified payroll that he or she knows to be
8 false is a Class A misdemeanor.

9 A general contractor is not prohibited from relying on a
10 certified payroll of a lower-tier subcontractor, provided the
11 general contractor does not knowingly rely upon a
12 subcontractor's false certification.

13 Any contractor or subcontractor subject to this Section,
14 and any officer, employee, or agent of such contractor or
15 subcontractor whose duty as an officer, employee, or agent it
16 is to file a certified payroll under this Section, who
17 willfully fails to file such a certified payroll on or before
18 the date such certified payroll is required to be filed and any
19 person who willfully files a false certified payroll that is
20 false as to any material fact is in violation of this Act and
21 guilty of a Class A misdemeanor.

22 The taxpayer in charge of the project shall keep the
23 records submitted in accordance with this Section on or after
24 June 5, 2019 (the effective date of Public Act 101-9) ~~this~~
25 ~~amendatory Act of the 101st General Assembly~~ for a period of 5
26 years from the date of the last payment for work on a contract

1 or subcontract for the project.

2 The records submitted in accordance with this Section
3 ~~subsection~~ shall be considered public records, except an
4 employee's address, telephone number, and social security
5 number, and made available in accordance with the Freedom of
6 Information Act. The Department of Labor shall accept any
7 reasonable submissions by the contractor that meet the
8 requirements of this Section ~~subsection~~ and shall share the
9 information with the Department in order to comply with the
10 awarding of River Edge construction jobs credits. A contractor,
11 subcontractor, or public body may retain records required under
12 this Section in paper or electronic format.

13 Upon 7 business days' notice, the contractor and each
14 subcontractor shall make available for inspection and copying
15 at a location within this State during reasonable hours, the
16 records identified in paragraph (1) of this Section ~~subsection~~
17 to the taxpayer in charge of the project, its officers and
18 agents, the Director of Labor and his or her deputies and
19 agents, and to federal, State, or local law enforcement
20 agencies and prosecutors.

21 (Source: P.A. 101-9, eff. 6-5-19; revised 8-9-19.)

22 Section 265. The Fire Protection District Act is amended by
23 changing Sections 11k and 16.06b as follows:

24 (70 ILCS 705/11k)

1 Sec. 11k. Competitive bidding; notice requirements.

2 (a) The board of trustees shall have the power to acquire
3 by gift, legacy, or purchase any personal property necessary
4 for its corporate purposes provided that all contracts for
5 supplies, materials, or work involving an expenditure in excess
6 of \$20,000 shall be let to the lowest responsible bidder after
7 advertising as required under subsection (b) of this Section.
8 The board is not required to accept a bid that does not meet
9 the district's established specifications, terms of delivery,
10 quality, and serviceability requirements. Contracts which, by
11 their nature, are not adapted to award by competitive bidding,
12 are not subject to competitive bidding, including, but not
13 limited to:

14 (1) contracts for the services of individuals
15 possessing a high degree of professional skill where the
16 ability or fitness of the individual plays an important
17 part;

18 (2) contracts for the printing of finance committee
19 reports and departmental reports;

20 (3) contracts for the printing or engraving of bonds,
21 tax warrants, and other evidences of indebtedness;

22 (4) contracts for the maintenance or servicing of, or
23 provision of repair parts for, equipment which are made
24 with the manufacturer or authorized service agent of that
25 equipment where the provision of parts, maintenance, or
26 servicing can best be performed by the manufacturer or

1 authorized service agent, or which involve proprietary
2 parts or technology not otherwise available;

3 (5) purchases and contracts for the use, purchase,
4 delivery, movement, or installation of data processing
5 equipment, software, or services and telecommunications
6 and interconnect equipment, software, and services;

7 (6) contracts for duplicating machines and supplies;

8 (7) contracts for utility services such as water,
9 light, heat, telephone or telegraph;

10 (8) contracts for goods or services procured from
11 another governmental agency;

12 (9) purchases of equipment previously owned by some
13 entity other than the district itself; and

14 (10) contracts for goods or services which are
15 economically procurable from only one source, such as for
16 the purchase of magazines, books, periodicals, pamphlets,
17 reports, and online subscriptions.

18 Contracts for emergency expenditures are also exempt from
19 competitive bidding when the emergency expenditure is approved
20 by a vote of 3/4 of the members of the board.

21 (b) Except as otherwise provided in subsection (a) of this
22 Section, all proposals to award contracts involving amounts in
23 excess of \$20,000 shall be published at least 10 days,
24 excluding Sundays and legal holidays, in advance of the date
25 announced for the receiving of bids, in a secular English
26 language newspaper of general circulation throughout the

1 district. In addition, a fire protection district that has a
2 website that the full-time staff of the district maintains
3 shall post notice on its website of all proposals to award
4 contracts in excess of \$20,000. Advertisements for bids shall
5 describe the character of the proposed contract or agreement in
6 sufficient detail to enable the bidders thereon to know what
7 their obligations will be, either in the advertisement itself,
8 or by reference to detailed plans and specifications on file at
9 the time of the publication of the first announcement. Such
10 advertisement shall also state the date, time and place
11 assigned for the opening of bids, and no bids shall be received
12 at any time subsequent to the time indicated in the
13 announcement. All competitive bids for contracts involving an
14 expenditure in excess of \$20,000 must be sealed by the bidder
15 and must be opened by a member of the board or an employee of
16 the district at a public bid opening at which the contents of
17 the bids must be announced. Each bidder must receive at least 3
18 days' ~~days~~ notice of the time and place of the bid opening.

19 (c) In addition to contracts entered into under the
20 Governmental Joint Purchasing Act, a board of trustees may
21 enter into contracts for supplies, materials, or work involving
22 an expenditure in excess of \$20,000 through participation in a
23 joint governmental or nongovernmental purchasing program that
24 requires as part of its selection procedure a competitive
25 solicitation and procurement process.

26 (Source: P.A. 101-41, eff. 7-12-19; 101-139, eff. 7-26-19;

1 revised 8-19-19.)

2 (70 ILCS 705/16.06b)

3 Sec. 16.06b. Original appointments; full-time fire
4 department.

5 (a) Applicability. Unless a commission elects to follow the
6 provisions of Section 16.06c, this Section shall apply to all
7 original appointments to an affected full-time fire
8 department. Existing registers of eligibles shall continue to
9 be valid until their expiration dates, or up to a maximum of 2
10 years after August 4, 2011 (the effective date of Public Act
11 97-251) ~~this amendatory Act of the 97th General Assembly.~~

12 Notwithstanding any statute, ordinance, rule, or other law
13 to the contrary, all original appointments to an affected
14 department to which this Section applies shall be administered
15 in a no less stringent manner than the manner provided for in
16 this Section. Provisions of the Illinois Municipal Code, Fire
17 Protection District Act, fire district ordinances, and rules
18 adopted pursuant to such authority and other laws relating to
19 initial hiring of firefighters in affected departments shall
20 continue to apply to the extent they are compatible with this
21 Section, but in the event of a conflict between this Section
22 and any other law, this Section shall control.

23 A fire protection district that is operating under a court
24 order or consent decree regarding original appointments to a
25 full-time fire department before August 4, 2011 (the effective

1 date of Public Act 97-251) ~~this amendatory Act of the 97th~~
2 ~~General Assembly~~ is exempt from the requirements of this
3 Section for the duration of the court order or consent decree.

4 (b) Original appointments. All original appointments made
5 to an affected fire department shall be made from a register of
6 eligibles established in accordance with the processes
7 required by this Section. Only persons who meet or exceed the
8 performance standards required by the Section shall be placed
9 on a register of eligibles for original appointment to an
10 affected fire department.

11 Whenever an appointing authority authorizes action to hire
12 a person to perform the duties of a firefighter or to hire a
13 firefighter-paramedic to fill a position that is a new position
14 or vacancy due to resignation, discharge, promotion, death, the
15 granting of a disability or retirement pension, or any other
16 cause, the appointing authority shall appoint to that position
17 the person with the highest ranking on the final eligibility
18 list. If the appointing authority has reason to conclude that
19 the highest ranked person fails to meet the minimum standards
20 for the position or if the appointing authority believes an
21 alternate candidate would better serve the needs of the
22 department, then the appointing authority has the right to pass
23 over the highest ranked person and appoint either: (i) any
24 person who has a ranking in the top 5% of the register of
25 eligibles or (ii) any person who is among the top 5 highest
26 ranked persons on the list of eligibles if the number of people

1 who have a ranking in the top 5% of the register of eligibles
2 is less than 5 people.

3 Any candidate may pass on an appointment once without
4 losing his or her position on the register of eligibles. Any
5 candidate who passes a second time may be removed from the list
6 by the appointing authority provided that such action shall not
7 prejudice a person's opportunities to participate in future
8 examinations, including an examination held during the time a
9 candidate is already on the fire district's register of
10 eligibles.

11 The sole authority to issue certificates of appointment
12 shall be vested in the board of fire commissioners, or board of
13 trustees serving in the capacity of a board of fire
14 commissioners. All certificates of appointment issued to any
15 officer or member of an affected department shall be signed by
16 the chairperson and secretary, respectively, of the commission
17 upon appointment of such officer or member to the affected
18 department by action of the commission. After being selected
19 from the register of eligibles to fill a vacancy in the
20 affected department, each appointee shall be presented with his
21 or her certificate of appointment on the day on which he or she
22 is sworn in as a classified member of the affected department.
23 Firefighters who were not issued a certificate of appointment
24 when originally appointed shall be provided with a certificate
25 within 10 days after making a written request to the
26 chairperson of the board of fire commissioners, or board of

1 trustees serving in the capacity of a board of fire
2 commissioners. Each person who accepts a certificate of
3 appointment and successfully completes his or her probationary
4 period shall be enrolled as a firefighter and as a regular
5 member of the fire department.

6 For the purposes of this Section, "firefighter" means any
7 person who has been prior to, on, or after August 4, 2011 (the
8 effective date of Public Act 97-251) ~~this amendatory Act of the~~
9 ~~97th General Assembly~~ appointed to a fire department or fire
10 protection district or employed by a State university and sworn
11 or commissioned to perform firefighter duties or paramedic
12 duties, or both, except that the following persons are not
13 included: part-time firefighters; auxiliary, reserve, or
14 voluntary firefighters, including paid-on-call firefighters;
15 clerks and dispatchers or other civilian employees of a fire
16 department or fire protection district who are not routinely
17 expected to perform firefighter duties; and elected officials.

18 (c) Qualification for placement on register of eligibles.
19 The purpose of establishing a register of eligibles is to
20 identify applicants who possess and demonstrate the mental
21 aptitude and physical ability to perform the duties required of
22 members of the fire department in order to provide the highest
23 quality of service to the public. To this end, all applicants
24 for original appointment to an affected fire department shall
25 be subject to examination and testing which shall be public,
26 competitive, and open to all applicants unless the district

1 shall by ordinance limit applicants to residents of the
2 district, county or counties in which the district is located,
3 State, or nation. Any examination and testing procedure
4 utilized under subsection (e) of this Section shall be
5 supported by appropriate validation evidence and shall comply
6 with all applicable State and federal laws. Districts may
7 establish educational, emergency medical service licensure,
8 and other prerequisites ~~prerequisites~~ for participation in an
9 examination or for hire as a firefighter. Any fire protection
10 district may charge a fee to cover the costs of the application
11 process.

12 Residency requirements in effect at the time an individual
13 enters the fire service of a district cannot be made more
14 restrictive for that individual during his or her period of
15 service for that district, or be made a condition of promotion,
16 except for the rank or position of fire chief and for no more
17 than 2 positions that rank immediately below that of the chief
18 rank which are appointed positions pursuant to the Fire
19 Department Promotion Act.

20 No person who is 35 years of age or older shall be eligible
21 to take an examination for a position as a firefighter unless
22 the person has had previous employment status as a firefighter
23 in the regularly constituted fire department of the district,
24 except as provided in this Section. The age limitation does not
25 apply to:

26 (1) any person previously employed as a full-time

1 firefighter in a regularly constituted fire department of
2 (i) any municipality or fire protection district located in
3 Illinois, (ii) a fire protection district whose
4 obligations were assumed by a municipality under Section 21
5 of the Fire Protection District Act, or (iii) a
6 municipality whose obligations were taken over by a fire
7 protection district;

8 (2) any person who has served a fire district as a
9 regularly enrolled volunteer, paid-on-call, or part-time
10 firefighter for the 5 years immediately preceding the time
11 that the district begins to use full-time firefighters to
12 provide all or part of its fire protection service; or

13 (3) any person who turned 35 while serving as a member
14 of the active or reserve components of any of the branches
15 of the Armed Forces of the United States or the National
16 Guard of any state, whose service was characterized as
17 honorable or under honorable, if separated from the
18 military, and is currently under the age of 40.

19 No person who is under 21 years of age shall be eligible
20 for employment as a firefighter.

21 No applicant shall be examined concerning his or her
22 political or religious opinions or affiliations. The
23 examinations shall be conducted by the commissioners of the
24 district or their designees and agents.

25 No district shall require that any firefighter appointed to
26 the lowest rank serve a probationary employment period of

1 longer than one year of actual active employment, which may
2 exclude periods of training, or injury or illness leaves,
3 including duty related leave, in excess of 30 calendar days.
4 Notwithstanding anything to the contrary in this Section, the
5 probationary employment period limitation may be extended for a
6 firefighter who is required, as a condition of employment, to
7 be a licensed paramedic, during which time the sole reason that
8 a firefighter may be discharged without a hearing is for
9 failing to meet the requirements for paramedic licensure.

10 In the event that any applicant who has been found eligible
11 for appointment and whose name has been placed upon the final
12 eligibility register provided for in this Section has not been
13 appointed to a firefighter position within one year after the
14 date of his or her physical ability examination, the commission
15 may cause a second examination to be made of that applicant's
16 physical ability prior to his or her appointment. If, after the
17 second examination, the physical ability of the applicant shall
18 be found to be less than the minimum standard fixed by the
19 rules of the commission, the applicant shall not be appointed.
20 The applicant's name may be retained upon the register of
21 candidates eligible for appointment and when next reached for
22 certification and appointment that applicant may be again
23 examined as provided in this Section, and if the physical
24 ability of that applicant is found to be less than the minimum
25 standard fixed by the rules of the commission, the applicant
26 shall not be appointed, and the name of the applicant shall be

1 removed from the register.

2 (d) Notice, examination, and testing components. Notice of
3 the time, place, general scope, merit criteria for any
4 subjective component, and fee of every examination shall be
5 given by the commission, by a publication at least 2 weeks
6 preceding the examination: (i) in one or more newspapers
7 published in the district, or if no newspaper is published
8 therein, then in one or more newspapers with a general
9 circulation within the district, or (ii) on the fire protection
10 district's Internet website. Additional notice of the
11 examination may be given as the commission shall prescribe.

12 The examination and qualifying standards for employment of
13 firefighters shall be based on: mental aptitude, physical
14 ability, preferences, moral character, and health. The mental
15 aptitude, physical ability, and preference components shall
16 determine an applicant's qualification for and placement on the
17 final register of eligibles. The examination may also include a
18 subjective component based on merit criteria as determined by
19 the commission. Scores from the examination must be made
20 available to the public.

21 (e) Mental aptitude. No person who does not possess at
22 least a high school diploma or an equivalent high school
23 education shall be placed on a register of eligibles.
24 Examination of an applicant's mental aptitude shall be based
25 upon a written examination. The examination shall be practical
26 in character and relate to those matters that fairly test the

1 capacity of the persons examined to discharge the duties
2 performed by members of a fire department. Written examinations
3 shall be administered in a manner that ensures the security and
4 accuracy of the scores achieved.

5 (f) Physical ability. All candidates shall be required to
6 undergo an examination of their physical ability to perform the
7 essential functions included in the duties they may be called
8 upon to perform as a member of a fire department. For the
9 purposes of this Section, essential functions of the job are
10 functions associated with duties that a firefighter may be
11 called upon to perform in response to emergency calls. The
12 frequency of the occurrence of those duties as part of the fire
13 department's regular routine shall not be a controlling factor
14 in the design of examination criteria or evolutions selected
15 for testing. These physical examinations shall be open,
16 competitive, and based on industry standards designed to test
17 each applicant's physical abilities in the following
18 dimensions:

19 (1) Muscular strength to perform tasks and evolutions
20 that may be required in the performance of duties including
21 grip strength, leg strength, and arm strength. Tests shall
22 be conducted under anaerobic as well as aerobic conditions
23 to test both the candidate's speed and endurance in
24 performing tasks and evolutions. Tasks tested may be based
25 on standards developed, or approved, by the local
26 appointing authority.

1 (2) The ability to climb ladders, operate from heights,
2 walk or crawl in the dark along narrow and uneven surfaces,
3 and operate in proximity to hazardous environments.

4 (3) The ability to carry out critical, time-sensitive,
5 and complex problem solving during physical exertion in
6 stressful and hazardous environments. The testing
7 environment may be hot and dark with tightly enclosed
8 spaces, flashing lights, sirens, and other distractions.

9 The tests utilized to measure each applicant's
10 capabilities in each of these dimensions may be tests based on
11 industry standards currently in use or equivalent tests
12 approved by the Joint Labor-Management Committee of the Office
13 of the State Fire Marshal.

14 Physical ability examinations administered under this
15 Section shall be conducted with a reasonable number of proctors
16 and monitors, open to the public, and subject to reasonable
17 regulations of the commission.

18 (g) Scoring of examination components. Appointing
19 authorities may create a preliminary eligibility register. A
20 person shall be placed on the list based upon his or her
21 passage of the written examination or the passage of the
22 written examination and the physical ability component.
23 Passage of the written examination means attaining the minimum
24 score set by the commission. Minimum scores should be set by
25 the appointing authorities so as to demonstrate a candidate's
26 ability to perform the essential functions of the job. The

1 minimum score set by the commission shall be supported by
2 appropriate validation evidence and shall comply with all
3 applicable State and federal laws. The appointing authority may
4 conduct the physical ability component and any subjective
5 components subsequent to the posting of the preliminary
6 eligibility register.

7 The examination components for an initial eligibility
8 register shall be graded on a 100-point scale. A person's
9 position on the list shall be determined by the following: (i)
10 the person's score on the written examination, (ii) the person
11 successfully passing the physical ability component, and (iii)
12 the person's results on any subjective component as described
13 in subsection (d).

14 In order to qualify for placement on the final eligibility
15 register, an applicant's score on the written examination,
16 before any applicable preference points or subjective points
17 are applied, shall be at or above the minimum score set by the
18 commission. The local appointing authority may prescribe the
19 score to qualify for placement on the final eligibility
20 register, but the score shall not be less than the minimum
21 score set by the commission.

22 The commission shall prepare and keep a register of persons
23 whose total score is not less than the minimum score for
24 passage and who have passed the physical ability examination.
25 These persons shall take rank upon the register as candidates
26 in the order of their relative excellence based on the highest

1 to the lowest total points scored on the mental aptitude,
2 subjective component, and preference components of the test
3 administered in accordance with this Section. No more than 60
4 days after each examination, an initial eligibility list shall
5 be posted by the commission. The list shall include the final
6 grades of the candidates without reference to priority of the
7 time of examination and subject to claim for preference credit.

8 Commissions may conduct additional examinations, including
9 without limitation a polygraph test, after a final eligibility
10 register is established and before it expires with the
11 candidates ranked by total score without regard to date of
12 examination. No more than 60 days after each examination, an
13 initial eligibility list shall be posted by the commission
14 showing the final grades of the candidates without reference to
15 priority of time of examination and subject to claim for
16 preference credit.

17 (h) Preferences. The following are preferences:

18 (1) Veteran preference. Persons who were engaged in the
19 military service of the United States for a period of at
20 least one year of active duty and who were honorably
21 discharged therefrom, or who are now or have been members
22 on inactive or reserve duty in such military or naval
23 service, shall be preferred for appointment to and
24 employment with the fire department of an affected
25 department.

26 (2) Fire cadet preference. Persons who have

1 successfully completed 2 years of study in fire techniques
2 or cadet training within a cadet program established under
3 the rules of the Joint Labor and Management Committee
4 (JLMC), as defined in Section 50 of the Fire Department
5 Promotion Act, may be preferred for appointment to and
6 employment with the fire department.

7 (3) Educational preference. Persons who have
8 successfully obtained an associate's degree in the field of
9 fire service or emergency medical services, or a bachelor's
10 degree from an accredited college or university may be
11 preferred for appointment to and employment with the fire
12 department.

13 (4) Paramedic preference. Persons who have obtained a
14 license as a paramedic may be preferred for appointment to
15 and employment with the fire department of an affected
16 department providing emergency medical services.

17 (5) Experience preference. All persons employed by a
18 district who have been paid-on-call or part-time certified
19 Firefighter II, certified Firefighter III, State of
20 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
21 paramedic, or any combination of those capacities may be
22 awarded up to a maximum of 5 points. However, the applicant
23 may not be awarded more than 0.5 points for each complete
24 year of paid-on-call or part-time service. Applicants from
25 outside the district who were employed as full-time
26 firefighters or firefighter-paramedics by a fire

1 protection district or municipality for at least 2 years
2 may be awarded up to 5 experience preference points.
3 However, the applicant may not be awarded more than one
4 point for each complete year of full-time service.

5 Upon request by the commission, the governing body of
6 the district or in the case of applicants from outside the
7 district the governing body of any other fire protection
8 district or any municipality shall certify to the
9 commission, within 10 days after the request, the number of
10 years of successful paid-on-call, part-time, or full-time
11 service of any person. A candidate may not receive the full
12 amount of preference points under this subsection if the
13 amount of points awarded would place the candidate before a
14 veteran on the eligibility list. If more than one candidate
15 receiving experience preference points is prevented from
16 receiving all of their points due to not being allowed to
17 pass a veteran, the candidates shall be placed on the list
18 below the veteran in rank order based on the totals
19 received if all points under this subsection were to be
20 awarded. Any remaining ties on the list shall be determined
21 by lot.

22 (6) Residency preference. Applicants whose principal
23 residence is located within the fire department's
24 jurisdiction may be preferred for appointment to and
25 employment with the fire department.

26 (7) Additional preferences. Up to 5 additional

1 preference points may be awarded for unique categories
2 based on an applicant's experience or background as
3 identified by the commission.

4 (7.5) Apprentice preferences. A person who has
5 performed fire suppression service for a department as a
6 firefighter apprentice and otherwise meet the
7 qualifications for original appointment as a firefighter
8 specified in this Section are eligible to be awarded up to
9 20 preference points. To qualify for preference points, an
10 applicant shall have completed a minimum of 600 hours of
11 fire suppression work on a regular shift for the affected
12 fire department over a 12-month period. The fire
13 suppression work must be in accordance with Section 16.06
14 of this Act and the terms established by a Joint
15 Apprenticeship Committee included in a collective
16 bargaining agreement agreed between the employer and its
17 certified bargaining agent. An eligible applicant must
18 apply to the Joint Apprenticeship Committee for preference
19 points under this item. The Joint Apprenticeship Committee
20 shall evaluate the merit of the applicant's performance,
21 determine the preference points to be awarded, and certify
22 the amount of points awarded to the commissioners. The
23 commissioners may add the certified preference points to
24 the final grades achieved by the applicant on the other
25 components of the examination.

26 (8) Scoring of preferences. The commission shall give

1 preference for original appointment to persons designated
2 in item (1) by adding to the final grade that they receive
3 5 points for the recognized preference achieved. The
4 commission may give preference for original appointment to
5 persons designated in item (7.5) by adding to the final
6 grade the amount of points designated by the Joint
7 Apprenticeship Committee as defined in item (7.5). The
8 commission shall determine the number of preference points
9 for each category, except (1) and (7.5). The number of
10 preference points for each category shall range from 0 to
11 5, except item (7.5). In determining the number of
12 preference points, the commission shall prescribe that if a
13 candidate earns the maximum number of preference points in
14 all categories except item (7.5), that number may not be
15 less than 10 nor more than 30. The commission shall give
16 preference for original appointment to persons designated
17 in items (2) through (7) by adding the requisite number of
18 points to the final grade for each recognized preference
19 achieved. The numerical result thus attained shall be
20 applied by the commission in determining the final
21 eligibility list and appointment from the eligibility
22 list. The local appointing authority may prescribe the
23 total number of preference points awarded under this
24 Section, but the total number of preference points, except
25 item (7.5), shall not be less than 10 points or more than
26 30 points. Apprentice preference points may be added in

1 addition to other preference points awarded by the
2 commission.

3 No person entitled to any preference shall be required to
4 claim the credit before any examination held under the
5 provisions of this Section, but the preference shall be given
6 after the posting or publication of the initial eligibility
7 list or register at the request of a person entitled to a
8 credit before any certification or appointments are made from
9 the eligibility register, upon the furnishing of verifiable
10 evidence and proof of qualifying preference credit. Candidates
11 who are eligible for preference credit shall make a claim in
12 writing within 10 days after the posting of the initial
13 eligibility list, or the claim shall be deemed waived. Final
14 eligibility registers shall be established after the awarding
15 of verified preference points. However, apprentice preference
16 credit earned subsequent to the establishment of the final
17 eligibility register may be applied to the applicant's score
18 upon certification by the Joint Apprenticeship Committee to the
19 commission and the rank order of candidates on the final
20 eligibility register shall be adjusted accordingly. All
21 employment shall be subject to the commission's initial hire
22 background review including, but not limited to, criminal
23 history, employment history, moral character, oral
24 examination, and medical and psychological examinations, all
25 on a pass-fail basis. The medical and psychological
26 examinations must be conducted last, and may only be performed

1 after a conditional offer of employment has been extended.

2 Any person placed on an eligibility list who exceeds the
3 age requirement before being appointed to a fire department
4 shall remain eligible for appointment until the list is
5 abolished, or his or her name has been on the list for a period
6 of 2 years. No person who has attained the age of 35 years
7 shall be inducted into a fire department, except as otherwise
8 provided in this Section.

9 The commission shall strike off the names of candidates for
10 original appointment after the names have been on the list for
11 more than 2 years.

12 (i) Moral character. No person shall be appointed to a fire
13 department unless he or she is a person of good character; not
14 a habitual drunkard, a gambler, or a person who has been
15 convicted of a felony or a crime involving moral turpitude.
16 However, no person shall be disqualified from appointment to
17 the fire department because of the person's record of
18 misdemeanor convictions except those under Sections 11-6,
19 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
20 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
21 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
22 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, or arrest for any cause without
24 conviction thereon. Any such person who is in the department
25 may be removed on charges brought for violating this subsection
26 and after a trial as hereinafter provided.

1 A classifiable set of the fingerprints of every person who
2 is offered employment as a certificated member of an affected
3 fire department whether with or without compensation, shall be
4 furnished to the Illinois Department of State Police and to the
5 Federal Bureau of Investigation by the commission.

6 Whenever a commission is authorized or required by law to
7 consider some aspect of criminal history record information for
8 the purpose of carrying out its statutory powers and
9 responsibilities, then, upon request and payment of fees in
10 conformance with the requirements of Section 2605-400 of the
11 State Police Law of the Civil Administrative Code of Illinois,
12 the Department of State Police is authorized to furnish,
13 pursuant to positive identification, the information contained
14 in State files as is necessary to fulfill the request.

15 (j) Temporary appointments. In order to prevent a stoppage
16 of public business, to meet extraordinary exigencies, or to
17 prevent material impairment of the fire department, the
18 commission may make temporary appointments, to remain in force
19 only until regular appointments are made under the provisions
20 of this Section, but never to exceed 60 days. No temporary
21 appointment of any one person shall be made more than twice in
22 any calendar year.

23 (k) A person who knowingly divulges or receives test
24 questions or answers before a written examination, or otherwise
25 knowingly violates or subverts any requirement of this Section,
26 commits a violation of this Section and may be subject to

1 charges for official misconduct.

2 A person who is the knowing recipient of test information
3 in advance of the examination shall be disqualified from the
4 examination or discharged from the position to which he or she
5 was appointed, as applicable, and otherwise subjected to
6 disciplinary actions.

7 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
8 revised 11-26-19.)

9 Section 270. The Park District Code is amended by changing
10 Sections 2-25 and 10-7 as follows:

11 (70 ILCS 1205/2-25) (from Ch. 105, par. 2-25)

12 Sec. 2-25. Vacancies. Whenever any member of the governing
13 board of any park district (i) dies, (ii) resigns, (iii)
14 becomes under legal disability, (iv) ceases to be a legal voter
15 in the district, (v) is convicted in any court located in the
16 United States of any infamous crime, bribery, perjury, or other
17 felony, (vi) refuses or neglects to take his or her oath of
18 office, (vii) neglects to perform the duties of his or her
19 office or attend meetings of the board for the length of time
20 as the board fixes by ordinance, or (viii) for any other reason
21 specified by law, that office may be declared vacant. Vacancies
22 shall be filled by appointment by a majority of the remaining
23 members of the board. Any person so appointed shall hold his or
24 her office until the next regular election for this office, at

1 which a member shall be elected to fill the vacancy for the
2 unexpired term, subject to the following conditions:

3 (1) If the vacancy occurs with less than 28 months
4 remaining in the term, the person appointed to fill the
5 vacancy shall hold his or her office until the expiration
6 of the term for which he or she has been appointed, and no
7 election to fill the vacancy shall be held.

8 (2) If the vacancy occurs with more than 28 months left
9 in the term, but less than 123 days before the next
10 regularly scheduled election for this office, the person
11 appointed to fill the vacancy shall hold his or her office
12 until the second regularly scheduled election for the
13 office following the appointment, at which a member shall
14 be elected to fill the vacancy for the unexpired term.

15 (Source: P.A. 101-257, eff. 8-9-19; revised 9-24-19.)

16 (70 ILCS 1205/10-7) (from Ch. 105, par. 10-7)

17 Sec. 10-7. Sale, lease, or exchange of realty.

18 (a) Any park district owning and holding any real estate is
19 authorized (1) to sell or lease that property to the State of
20 Illinois, with the State's consent, or another unit of Illinois
21 State or local government for public use, (2) to give the
22 property to the State of Illinois if the property is contiguous
23 to a State park, or (3) to lease that property upon the terms
24 and at the price that the board determines for a period not to
25 exceed 99 years to any corporation organized under the laws of

1 this State, for public use. The grantee or lessee must covenant
2 to hold and maintain the property for public park or
3 recreational purposes unless the park district obtains other
4 real property of substantially the same size or larger and of
5 substantially the same or greater suitability for park purposes
6 without additional cost to the district. In the case of
7 property given or sold under this subsection after January 1,
8 2002 (the effective date of Public Act 92-401) ~~this amendatory~~
9 ~~Act of the 92nd General Assembly~~ for which this covenant is
10 required, the conveyance must provide that ownership of the
11 property automatically reverts to the grantor if the grantee
12 knowingly violates the required covenant by allowing all or any
13 part of the property to be used for purposes other than park or
14 recreational purposes. Real estate given, sold, or leased to
15 the State of Illinois under this subsection (1) must be 50
16 acres or more in size, (2) may not be located within the
17 territorial limits of a municipality, and (3) may not be the
18 site of a known environmental liability or hazard.

19 (b) Any park district owning or holding any real estate is
20 authorized to convey such property to a nongovernmental entity
21 in exchange for other real property of substantially equal or
22 greater value as determined by 2 appraisals of the property and
23 of substantially the same or greater suitability for park
24 purposes without additional cost to such district.

25 Prior to such exchange with a nongovernmental entity, the
26 park board shall hold a public meeting in order to consider the

1 proposed conveyance. Notice of such meeting shall be published
2 not less than 3 ~~three~~ times (the first and last publication
3 being not less than 10 days apart) in a newspaper of general
4 circulation within the park district. If there is no such
5 newspaper, then such notice shall be posted in not less than 3
6 public places in said park district and such notice shall not
7 become effective until 10 days after said publication or
8 posting.

9 (c) Notwithstanding any other provision of this Act, this
10 subsection (c) shall apply only to park districts that serve
11 territory within a municipality having more than 40,000
12 inhabitants and within a county having more than 260,000
13 inhabitants and bordering the Mississippi River. Any park
14 district owning or holding real estate is authorized to sell
15 that property to any not-for-profit corporation organized
16 under the laws of this State upon the condition that the
17 corporation uses the property for public park or recreational
18 programs for youth. The park district shall have the right of
19 re-entry for breach of condition subsequent. If the corporation
20 stops using the property for these purposes, the property shall
21 revert back to ownership of the park district. Any temporary
22 suspension of use caused by the construction of improvements on
23 the property for public park or recreational programs for youth
24 is not a breach of condition subsequent.

25 Prior to the sale of the property to a not-for-profit
26 corporation, the park board shall hold a public meeting to

1 consider the proposed sale. Notice of the meeting shall be
2 published not less than 3 times (the first and last publication
3 being not less than 10 days apart) in a newspaper of general
4 circulation within the park district. If there is no such
5 newspaper, then the notice shall be posted in not less than 3
6 public places in the park district. The notice shall be
7 published or posted at least 10 days before the meeting. A
8 resolution to approve the sale of the property to a
9 not-for-profit corporation requires adoption by a majority of
10 the park board.

11 (d) Real estate, not subject to such covenant or which has
12 not been conveyed and replaced as provided in this Section, may
13 be conveyed in the manner provided by Sections 10-7a to 10-7d
14 hereof, inclusive.

15 (d-5) Notwithstanding any provision of law to the contrary
16 and in addition to the means provided by Sections 10-7a, 10-7b,
17 10-7c, and 10-7d, real estate, not subject to a covenant
18 required under subsection (a) or not conveyed and replaced as
19 provided under subsection (a), may be conveyed to another unit
20 of local government or school district if the park district
21 board approves the sale to the unit of local government or
22 school district by a four-fifths vote and: (i) the park
23 district is situated wholly within the corporate limits of that
24 unit of local government or school district; or (ii) the real
25 estate is conveyed for a price not less than the appraised
26 value of the real estate as determined by the average of 3

1 written MAI certified appraisals or by the average of 3 written
2 certified appraisals of State certified or licensed real estate
3 appraisers.

4 (e) In addition to any other power provided in this
5 Section, any park district owning or holding real estate that
6 the board deems is not required for park or recreational
7 purposes may lease such real estate to any individual or entity
8 and may collect rents therefrom. Such lease shall not exceed 4
9 and one-half times the term of years provided for in Section
10 8-15 governing installment purchase contracts.

11 (f) Notwithstanding any other provision of law, if (i) the
12 real estate that a park district with a population of 3,000 or
13 less transfers by lease, license, development agreement, or
14 other means to any private entity is greater than 70% of the
15 district's total property and (ii) the current use of the real
16 estate will be substantially altered by that private entity,
17 the real estate may be conveyed only in the manner provided for
18 in Sections 10-7a, 10-7b, and 10-7c.

19 (Source: P.A. 101-243, eff. 8-9-19; 101-322, eff. 8-9-19;
20 revised 9-10-19.)

21 Section 275. The North Shore Water Reclamation District Act
22 is amended by changing Section 28 as follows:

23 (70 ILCS 2305/28) (from Ch. 42, par. 296.8)

24 Sec. 28. Annexation of territory. The board of trustees of

1 any sanitary district may annex any territory which is not
2 within the corporate limits of the sanitary district, provided:

3 (a) The territory is contiguous to the annexing
4 sanitary district or the territory is non-contiguous and
5 the owner or owners of record have entered into an
6 agreement requesting the annexation of the non-contiguous
7 territory; and

8 (b) The territory is served by the sanitary district or
9 by a municipality with sanitary sewers that are connected
10 and served by the sanitary district.

11 The annexation shall be accomplished only by ordinance and
12 the ordinance shall include a description of the annexed
13 territory. The ordinance annexing non-contiguous territory
14 shall designate the ward to which the land shall be assigned. A
15 copy of the ordinance and a map of the annexed territory
16 certified as true and accurate by the clerk of the annexing
17 sanitary district shall be filed with the county clerk of the
18 county in which the annexed territory is located. The new
19 boundary shall extend to the far side of any adjacent highway
20 and shall include all of every highway within the area annexed.
21 These highways shall be considered to be annexed even though
22 not included in the legal description set forth in the
23 annexation ordinance.

24 The territory to be annexed to the sanitary district shall
25 be considered to be contiguous to the sanitary district
26 notwithstanding that the territory to be annexed is divided by,

1 or that the territory to be annexed is separated from the
2 sanitary district by, one or more railroad rights-of-way
3 ~~rights-of-ways~~, public easements, or properties owned by a
4 public utility, a forest preserve district, a public agency, or
5 a not-for-profit corporation.

6 (Source: P.A. 100-31, eff. 8-4-17; revised 8-9-19.)

7 Section 280. The Street Light District Act is amended by
8 changing Section 0.01 as follows:

9 (70 ILCS 3305/0.01) (from Ch. 121, par. 354.9)

10 Sec. 0.01. Short title. This Act may be cited as the Street
11 Lighting ~~Light~~ District Act.

12 (Source: P.A. 86-1324; revised 8-9-19.)

13 Section 285. The School Code is amended by changing
14 Sections 2-3.155, 2-3.159, 10-17a, 10-21.9, 14-8.02, 18-8.15,
15 21B-45, 21B-50, 22-33, 24-12, 24A-7, 27-21, 27-24.1, 27-24.2,
16 27A-5, 34-18, and 34-18.5, by setting forth and renumbering
17 multiple versions of Section 2-3.176, 10-20.69, 22-85, and
18 27-23.13, and by setting forth, renumbering, and changing
19 multiple versions of Section 34-18.61 as follows:

20 (105 ILCS 5/2-3.155)

21 (Text of Section before amendment by P.A. 101-227)

22 Sec. 2-3.155. Textbook block grant program.

1 (a) The provisions of this Section are in the public
2 interest, for the public benefit, and serve secular public
3 purposes.

4 (b) As used in this Section, "textbook" means any book or
5 book substitute that a pupil uses as a text or text substitute,
6 including electronic textbooks. "Textbook" includes books,
7 reusable workbooks, manuals, whether bound or in loose-leaf
8 form, instructional computer software, and electronic
9 textbooks and the technological equipment necessary to gain
10 access to and use electronic textbooks intended as a principal
11 source of study material for a given class or group of
12 students. "Textbook" also includes science curriculum
13 materials in a kit format that includes pre-packaged consumable
14 materials if (i) it is shown that the materials serve as a
15 textbook substitute, (ii) the materials are for use by the
16 pupils as a principal learning source, (iii) each component of
17 the materials is integrally necessary to teach the requirements
18 of the intended course, (iv) the kit includes teacher guidance
19 materials, and (v) the purchase of individual consumable
20 materials is not allowed.

21 (c) Subject to annual appropriation by the General
22 Assembly, the State Board of Education is authorized to provide
23 annual funding to public school districts and
24 State-recognized, non-public schools serving students in
25 grades kindergarten through 12 for the purchase of selected
26 textbooks. The textbooks authorized to be purchased under this

1 Section are limited without exception to textbooks for use in
2 any public school and that are secular, non-religious, and
3 non-sectarian. Each public school district and
4 State-recognized, non-public school shall, subject to
5 appropriations for that purpose, receive a per pupil grant for
6 the purchase of secular textbooks. The per pupil grant amount
7 must be calculated by the State Board of Education utilizing
8 the total appropriation made for these purposes divided by the
9 most current student enrollment data available.

10 (d) The State Board of Education may adopt rules as
11 necessary for the implementation of this Section and to ensure
12 the religious neutrality of the textbook block grant program,
13 as well as provide for the monitoring of all textbooks
14 authorized in this Section to be purchased directly by
15 State-recognized, nonpublic schools serving students in grades
16 kindergarten through 12.

17 (Source: P.A. 101-17, eff. 6-14-19.)

18 (Text of Section after amendment by P.A. 101-227)

19 Sec. 2-3.155. Textbook block grant program.

20 (a) The provisions of this Section are in the public
21 interest, for the public benefit, and serve secular public
22 purposes.

23 (b) As used in this Section, "textbook" means any book or
24 book substitute that a pupil uses as a text or text substitute,
25 including electronic textbooks. "Textbook" includes books,

1 reusable workbooks, manuals, whether bound or in loose-leaf
2 form, instructional computer software, and electronic
3 textbooks and the technological equipment necessary to gain
4 access to and use electronic textbooks intended as a principal
5 source of study material for a given class or group of
6 students. "Textbook" also includes science curriculum
7 materials in a kit format that includes pre-packaged consumable
8 materials if (i) it is shown that the materials serve as a
9 textbook substitute, (ii) the materials are for use by the
10 pupils as a principal learning source, (iii) each component of
11 the materials is integrally necessary to teach the requirements
12 of the intended course, (iv) the kit includes teacher guidance
13 materials, and (v) the purchase of individual consumable
14 materials is not allowed.

15 (c) Subject to annual appropriation by the General
16 Assembly, the State Board of Education is authorized to provide
17 annual funding to public school districts and
18 State-recognized, non-public schools serving students in
19 grades kindergarten through 12 for the purchase of selected
20 textbooks. The textbooks authorized to be purchased under this
21 Section are limited without exception to textbooks for use in
22 any public school and that are secular, non-religious,
23 non-sectarian, and non-discriminatory as to any of the
24 characteristics under the Illinois Human Rights Act. Textbooks
25 authorized to be purchased under this Section must include the
26 roles and contributions of all people protected under the

1 Illinois Human Rights Act. Each public school district and
2 State-recognized, non-public school shall, subject to
3 appropriations for that purpose, receive a per pupil grant for
4 the purchase of secular and non-discriminatory textbooks. The
5 per pupil grant amount must be calculated by the State Board of
6 Education utilizing the total appropriation made for these
7 purposes divided by the most current student enrollment data
8 available.

9 (d) The State Board of Education may adopt rules as
10 necessary for the implementation of this Section and to ensure
11 the religious neutrality of the textbook block grant program,
12 as well as provide for the monitoring of all textbooks
13 authorized in this Section to be purchased directly by
14 State-recognized, nonpublic schools serving students in grades
15 kindergarten through 12.

16 (Source: P.A. 101-17, eff. 6-14-19; 101-227, eff. 7-1-20;
17 revised 9-10-19.)

18 (105 ILCS 5/2-3.159)

19 Sec. 2-3.159. State Seal of Biliteracy.

20 (a) In this Section, "foreign language" means any language
21 other than English, including all modern languages, Latin,
22 American Sign Language, Native American languages, and native
23 languages.

24 (b) The State Seal of Biliteracy program is established to
25 recognize public and non-public high school graduates who have

1 attained a high level of proficiency in one or more languages
2 in addition to English. School district and non-public school
3 participation in this program is voluntary.

4 (c) The purposes of the State Seal of Biliteracy are as
5 follows:

6 (1) To encourage pupils to study languages.

7 (2) To certify attainment of biliteracy.

8 (3) To provide employers with a method of identifying
9 people with language and biliteracy skills.

10 (4) To provide universities with an additional method
11 to recognize applicants seeking admission.

12 (5) To prepare pupils with 21st century skills.

13 (6) To recognize the value of foreign language and
14 native language instruction in public and non-public
15 schools.

16 (7) To strengthen intergroup relationships, affirm the
17 value of diversity, and honor the multiple cultures and
18 languages of a community.

19 (d) The State Seal of Biliteracy certifies attainment of a
20 high level of proficiency, sufficient for meaningful use in
21 college and a career, by a graduating public or non-public high
22 school pupil in one or more languages in addition to English.

23 (e) The State Board of Education shall adopt such rules as
24 may be necessary to establish the criteria that pupils must
25 achieve to earn a State Seal of Biliteracy, which may include
26 without limitation attainment of units of credit in English

1 language arts and languages other than English and passage of
2 such assessments of foreign language proficiency as may be
3 approved by the State Board of Education for this purpose.
4 These rules shall ensure that the criteria that pupils must
5 achieve to earn a State Seal of Biliteracy meet the course
6 credit criteria established under subsection (i) of this
7 Section.

8 (e-5) To demonstrate sufficient English language
9 proficiency for eligibility to receive a State Seal of
10 Biliteracy under this Section, the State Board of Education
11 shall allow a pupil to provide his or her school district with
12 evidence of completion of any of the following, in accordance
13 with guidelines for proficiency adopted by the State Board:

14 (1) An AP (Advanced Placement) English Language and
15 Composition Exam.

16 (2) An English language arts dual credit course.

17 (3) Transitional coursework in English language arts
18 articulated in partnership with a public community college
19 as an ESSA (Every Student Succeeds Act) College and Career
20 Readiness Indicator.

21 (f) The State Board of Education shall do both of the
22 following:

23 (1) Prepare and deliver to participating school
24 districts and non-public schools an appropriate mechanism
25 for designating the State Seal of Biliteracy on the diploma
26 and transcript of the pupil indicating that the pupil has

1 been awarded a State Seal of Biliteracy by the State Board
2 of Education.

3 (2) Provide other information the State Board of
4 Education deems necessary for school districts and
5 non-public schools to successfully participate in the
6 program.

7 (g) A school district or non-public school that
8 participates in the program under this Section shall do both of
9 the following:

10 (1) Maintain appropriate records in order to identify
11 pupils who have earned a State Seal of Biliteracy.

12 (2) Make the appropriate designation on the diploma and
13 transcript of each pupil who earns a State Seal of
14 Biliteracy.

15 (h) No fee shall be charged to a pupil to receive the
16 designation pursuant to this Section. Notwithstanding this
17 prohibition, costs may be incurred by the pupil in
18 demonstrating proficiency, including without limitation any
19 assessments required under subsection (e) of this Section.

20 (i) For admissions purposes, each public university in this
21 State shall accept the State Seal of Biliteracy as equivalent
22 to 2 years of foreign language coursework taken during high
23 school if a student's high school transcript indicates that he
24 or she will be receiving or has received the State Seal of
25 Biliteracy.

26 (j) Each public community college and public university in

1 this State shall establish criteria to translate a State Seal
2 of Biliteracy into course credit based on foreign language
3 course equivalencies identified by the community college's or
4 university's faculty and staff and, upon request from an
5 enrolled student, the community college or university shall
6 award foreign language course credit to a student who has
7 received a State Seal of Biliteracy. Students enrolled in a
8 public community college or public university who have received
9 a State Seal of Biliteracy must request course credit for their
10 seal within 3 academic years after graduating from high school.
11 (Source: P.A. 101-222, eff. 1-1-20; 101-503, eff. 8-23-19;
12 revised 9-9-19.)

13 (105 ILCS 5/2-3.176)

14 Sec. 2-3.176. Transfers to Governor's Grant Fund. In
15 addition to any other transfers that may be provided for by
16 law, the State Comptroller shall direct and the State Treasurer
17 shall transfer from the SBE Federal Agency Services Fund and
18 the SBE Federal Department of Education Fund into the
19 Governor's Grant Fund such amounts as may be directed in
20 writing by the State Board of Education.

21 (Source: P.A. 101-10, eff. 6-5-19.)

22 (105 ILCS 5/2-3.179)

23 Sec. 2-3.179 ~~2-3.176~~. Work-based learning database.

24 (a) In this Section, "work-based learning" means an

1 educational strategy that provides students with real-life
2 work experiences in which they can apply academic and technical
3 skills and develop their employability.

4 (b) The State Board must develop a work-based learning
5 database to help facilitate relationships between school
6 districts and businesses and expand work-based learning in this
7 State.

8 (Source: P.A. 101-389, eff. 8-16-19; revised 10-21-19.)

9 (105 ILCS 5/2-3.180)

10 Sec. 2-3.180 ~~2-3.176~~. School safety and security grants.
11 Subject to appropriation or private donations, the State Board
12 of Education shall award grants to school districts to support
13 school safety and security. Grant funds may be used for school
14 security improvements, including professional development,
15 safety-related upgrades to school buildings, equipment,
16 including metal detectors and x-ray machines, and facilities,
17 including school-based health centers. The State Board must
18 prioritize the distribution of grants under this Section to
19 school districts designated as Tier 1 or Tier 2 under Section
20 18-8.15.

21 (Source: P.A. 101-413, eff. 1-1-20; revised 10-21-19.)

22 (105 ILCS 5/2-3.181)

23 Sec. 2-3.181 ~~2-3.176~~. Safe Schools and Healthy Learning
24 Environments Grant Program.

1 (a) The State Board of Education, subject to appropriation,
2 is authorized to award competitive grants on an annual basis
3 under a Safe Schools and Healthy Learning Environments Grant
4 Program. The goal of this grant program is to promote school
5 safety and healthy learning environments by providing schools
6 with additional resources to implement restorative
7 interventions and resolution strategies as alternatives to
8 exclusionary discipline, and to address the full range of
9 students' intellectual, social, emotional, physical,
10 psychological, and moral developmental needs.

11 (b) To receive a grant under this program, a school
12 district must submit with its grant application a plan for
13 implementing evidence-based and promising practices that are
14 aligned with the goal of this program. The application may
15 include proposals to (i) hire additional school support
16 personnel, including, but not limited to, restorative justice
17 practitioners, school psychologists, school social workers,
18 and other mental and behavioral health specialists; (ii) use
19 existing school-based resources, community-based resources, or
20 other experts and practitioners to expand alternatives to
21 exclusionary discipline, mental and behavioral health
22 supports, wraparound services, or drug and alcohol treatment;
23 and (iii) provide training for school staff on trauma-informed
24 approaches to meeting students' developmental needs,
25 addressing the effects of toxic stress, restorative justice
26 approaches, conflict resolution techniques, and the effective

1 utilization of school support personnel and community-based
2 services. For purposes of this subsection, "promising
3 practices" means practices that present, based on preliminary
4 information, potential for becoming evidence-based practices.

5 Grant funds may not be used to increase the use of
6 school-based law enforcement or security personnel. Nothing in
7 this Section shall prohibit school districts from involving law
8 enforcement personnel when necessary and allowed by law.

9 (c) The State Board of Education, subject to appropriation
10 for the grant program, shall annually disseminate a request for
11 applications to this program, and funds shall be distributed
12 annually. The criteria to be considered by the State Board of
13 Education in awarding the funds shall be (i) the average ratio
14 of school support personnel to students in the target schools
15 over the preceding 3 school years, with priority given to
16 applications with a demonstrated shortage of school support
17 personnel to meet student needs; and (ii) the degree to which
18 the proposal articulates a comprehensive approach for reducing
19 exclusionary discipline while building safe and healthy
20 learning environments. Priority shall be given to school
21 districts that meet the metrics under subsection (b) of Section
22 2-3.162.

23 (d) The State Board of Education, subject to appropriation
24 for the grant program, shall produce an annual report on the
25 program in cooperation with the school districts participating
26 in the program. The report shall include available quantitative

1 information on the progress being made in reducing exclusionary
2 discipline and the effects of the program on school safety and
3 school climate. This report shall be posted on the State Board
4 of Education's website by October 31 of each year, beginning in
5 2020.

6 (e) The State Board of Education may adopt any rules
7 necessary for the implementation of this program.

8 (Source: P.A. 101-438, eff. 8-20-19; revised 10-21-19.)

9 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

10 Sec. 10-17a. State, school district, and school report
11 cards.

12 (1) By October 31, 2013 and October 31 of each subsequent
13 school year, the State Board of Education, through the State
14 Superintendent of Education, shall prepare a State report card,
15 school district report cards, and school report cards, and
16 shall by the most economic means provide to each school
17 district in this State, including special charter districts and
18 districts subject to the provisions of Article 34, the report
19 cards for the school district and each of its schools.

20 (2) In addition to any information required by federal law,
21 the State Superintendent shall determine the indicators and
22 presentation of the school report card, which must include, at
23 a minimum, the most current data collected and maintained by
24 the State Board of Education related to the following:

25 (A) school characteristics and student demographics,

1 including average class size, average teaching experience,
2 student racial/ethnic breakdown, and the percentage of
3 students classified as low-income; the percentage of
4 students classified as English learners; the percentage of
5 students who have individualized education plans or 504
6 plans that provide for special education services; the
7 number and percentage of all students who have been
8 assessed for placement in a gifted education or advanced
9 academic program and, of those students: (i) the racial and
10 ethnic breakdown, (ii) the percentage who are classified as
11 low-income, and (iii) the number and percentage of students
12 who received direct instruction from a teacher who holds a
13 gifted education endorsement and, of those students, the
14 percentage who are classified as low-income; the
15 percentage of students scoring at the "exceeds
16 expectations" level on the assessments required under
17 Section 2-3.64a-5 of this Code; the percentage of students
18 who annually transferred in or out of the school district;
19 average daily attendance; the per-pupil operating
20 expenditure of the school district; and the per-pupil State
21 average operating expenditure for the district type
22 (elementary, high school, or unit);

23 (B) curriculum information, including, where
24 applicable, Advanced Placement, International
25 Baccalaureate or equivalent courses, dual enrollment
26 courses, foreign language classes, school personnel

1 resources (including Career Technical Education teachers),
2 before and after school programs, extracurricular
3 activities, subjects in which elective classes are
4 offered, health and wellness initiatives (including the
5 average number of days of Physical Education per week per
6 student), approved programs of study, awards received,
7 community partnerships, and special programs such as
8 programming for the gifted and talented, students with
9 disabilities, and work-study students;

10 (C) student outcomes, including, where applicable, the
11 percentage of students deemed proficient on assessments of
12 State standards, the percentage of students in the eighth
13 grade who pass Algebra, the percentage of students who
14 participated in workplace learning experiences, the
15 percentage of students enrolled in post-secondary
16 institutions (including colleges, universities, community
17 colleges, trade/vocational schools, and training programs
18 leading to career certification within 2 semesters of high
19 school graduation), the percentage of students graduating
20 from high school who are college and career ready, and the
21 percentage of graduates enrolled in community colleges,
22 colleges, and universities who are in one or more courses
23 that the community college, college, or university
24 identifies as a developmental course;

25 (D) student progress, including, where applicable, the
26 percentage of students in the ninth grade who have earned 5

1 credits or more without failing more than one core class, a
2 measure of students entering kindergarten ready to learn, a
3 measure of growth, and the percentage of students who enter
4 high school on track for college and career readiness;

5 (E) the school environment, including, where
6 applicable, the percentage of students with less than 10
7 absences in a school year, the percentage of teachers with
8 less than 10 absences in a school year for reasons other
9 than professional development, leaves taken pursuant to
10 the federal Family Medical Leave Act of 1993, long-term
11 disability, or parental leaves, the 3-year average of the
12 percentage of teachers returning to the school from the
13 previous year, the number of different principals at the
14 school in the last 6 years, the number of teachers who hold
15 a gifted education endorsement, the process and criteria
16 used by the district to determine whether a student is
17 eligible for participation in a gifted education program or
18 advanced academic program and the manner in which parents
19 and guardians are made aware of the process and criteria, 2
20 or more indicators from any school climate survey selected
21 or approved by the State and administered pursuant to
22 Section 2-3.153 of this Code, with the same or similar
23 indicators included on school report cards for all surveys
24 selected or approved by the State pursuant to Section
25 2-3.153 of this Code, and the combined percentage of
26 teachers rated as proficient or excellent in their most

1 recent evaluation;

2 (F) a school district's and its individual schools'
3 balanced accountability measure, in accordance with
4 Section 2-3.25a of this Code;

5 (G) the total and per pupil normal cost amount the
6 State contributed to the Teachers' Retirement System of the
7 State of Illinois in the prior fiscal year for the school's
8 employees, which shall be reported to the State Board of
9 Education by the Teachers' Retirement System of the State
10 of Illinois;

11 (H) for a school district organized under Article 34 of
12 this Code only, State contributions to the Public School
13 Teachers' Pension and Retirement Fund of Chicago and State
14 contributions for health care for employees of that school
15 district;

16 (I) a school district's Final Percent of Adequacy, as
17 defined in paragraph (4) of subsection (f) of Section
18 18-8.15 of this Code;

19 (J) a school district's Local Capacity Target, as
20 defined in paragraph (2) of subsection (c) of Section
21 18-8.15 of this Code, displayed as a percentage amount;

22 (K) a school district's Real Receipts, as defined in
23 paragraph (1) of subsection (d) of Section 18-8.15 of this
24 Code, divided by a school district's Adequacy Target, as
25 defined in paragraph (1) of subsection (b) of Section
26 18-8.15 of this Code, displayed as a percentage amount;

1 (L) a school district's administrative costs; ~~and~~

2 (M) whether or not the school has participated in the
3 Illinois Youth Survey. In this paragraph (M), "Illinois
4 Youth Survey" means a self-report survey, administered in
5 school settings every 2 years, designed to gather
6 information about health and social indicators, including
7 substance abuse patterns and the attitudes of students in
8 grades 8, 10, and 12; and

9 (N) whether the school offered its students career and
10 technical education opportunities.

11 The school report card shall also provide information that
12 allows for comparing the current outcome, progress, and
13 environment data to the State average, to the school data from
14 the past 5 years, and to the outcomes, progress, and
15 environment of similar schools based on the type of school and
16 enrollment of low-income students, special education students,
17 and English learners.

18 As used in this subsection (2):

19 "Administrative costs" means costs associated with
20 executive, administrative, or managerial functions within the
21 school district that involve planning, organizing, managing,
22 or directing the school district.

23 "Advanced academic program" means a course of study to
24 which students are assigned based on advanced cognitive ability
25 or advanced academic achievement compared to local age peers
26 and in which the curriculum is substantially differentiated

1 from the general curriculum to provide appropriate challenge
2 and pace.

3 "Gifted education" means educational services, including
4 differentiated curricula and instructional methods, designed
5 to meet the needs of gifted children as defined in Article 14A
6 of this Code.

7 For the purposes of paragraph (A) of this subsection (2),
8 "average daily attendance" means the average of the actual
9 number of attendance days during the previous school year for
10 any enrolled student who is subject to compulsory attendance by
11 Section 26-1 of this Code at each school and charter school.

12 (3) At the discretion of the State Superintendent, the
13 school district report card shall include a subset of the
14 information identified in paragraphs (A) through (E) of
15 subsection (2) of this Section, as well as information relating
16 to the operating expense per pupil and other finances of the
17 school district, and the State report card shall include a
18 subset of the information identified in paragraphs (A) through
19 (E) and paragraph (N) of subsection (2) of this Section. The
20 school district report card shall include the average daily
21 attendance, as that term is defined in subsection (2) of this
22 Section, of students who have individualized education
23 programs and students who have 504 plans that provide for
24 special education services within the school district.

25 (4) Notwithstanding anything to the contrary in this
26 Section, in consultation with key education stakeholders, the

1 State Superintendent shall at any time have the discretion to
2 amend or update any and all metrics on the school, district, or
3 State report card.

4 (5) Annually, no more than 30 calendar days after receipt
5 of the school district and school report cards from the State
6 Superintendent of Education, each school district, including
7 special charter districts and districts subject to the
8 provisions of Article 34, shall present such report cards at a
9 regular school board meeting subject to applicable notice
10 requirements, post the report cards on the school district's
11 Internet web site, if the district maintains an Internet web
12 site, make the report cards available to a newspaper of general
13 circulation serving the district, and, upon request, send the
14 report cards home to a parent (unless the district does not
15 maintain an Internet web site, in which case the report card
16 shall be sent home to parents without request). If the district
17 posts the report card on its Internet web site, the district
18 shall send a written notice home to parents stating (i) that
19 the report card is available on the web site, (ii) the address
20 of the web site, (iii) that a printed copy of the report card
21 will be sent to parents upon request, and (iv) the telephone
22 number that parents may call to request a printed copy of the
23 report card.

24 (6) Nothing contained in Public Act 98-648 repeals,
25 supersedes, invalidates, or nullifies final decisions in
26 lawsuits pending on July 1, 2014 (the effective date of Public

1 Act 98-648) in Illinois courts involving the interpretation of
2 Public Act 97-8.

3 (Source: P.A. 100-227, eff. 8-18-17; 100-364, eff. 1-1-18;
4 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; 100-807, eff.
5 8-10-18; 100-863, eff. 8-14-18; 100-1121, eff. 1-1-19; 101-68,
6 eff. 1-1-20; 101-81, eff. 7-12-19; revised 9-9-19.)

7 (105 ILCS 5/10-20.69)

8 Sec. 10-20.69. Policy on sexual harassment. Each school
9 district must create, maintain, and implement an
10 age-appropriate policy on sexual harassment that must be posted
11 on the school district's website and, if applicable, any other
12 area where policies, rules, and standards of conduct are
13 currently posted in each school and must also be included in
14 the school district's student code of conduct handbook.

15 (Source: P.A. 101-418, eff. 1-1-20.)

16 (105 ILCS 5/10-20.70)

17 Sec. 10-20.70 ~~10-20.69~~. Class size reporting. No later than
18 November 16, 2020, and annually thereafter, each school
19 district must report to the State Board of Education
20 information on the school district described under subsection
21 (b) of Section 2-3.136a and must make that information
22 available on its website.

23 (Source: P.A. 101-451, eff. 1-1-20; revised 10-21-19.)

1 (105 ILCS 5/10-20.71)

2 Sec. 10-20.71 ~~10-20.69~~. Sexual abuse investigations at
3 schools. Every 2 years, each school district must review all
4 existing policies and procedures concerning sexual abuse
5 investigations at schools to ensure consistency with Section
6 22-85.

7 (Source: P.A. 101-531, eff. 8-23-19; revised 10-21-19.)

8 (105 ILCS 5/10-20.72)

9 Sec. 10-20.72 ~~10-20.69~~. Door security locking means.

10 (a) In this Section, "door security locking means" means a
11 door locking means intended for use by a trained school
12 district employee in a school building for the purpose of
13 preventing ingress through a door of the building.

14 (b) A school district may install a door security locking
15 means on a door of a school building to prevent unwanted entry
16 through the door if all of the following requirements are met:

17 (1) The door security locking means can be engaged
18 without opening the door.

19 (2) The unlocking and unlatching of the door security
20 locking means from the occupied side of the door can be
21 accomplished without the use of a key or tool.

22 (3) The door security locking means complies with all
23 applicable State and federal accessibility requirements.

24 (4) Locks, if remotely engaged, can be unlocked from
25 the occupied side.

1 (5) The door security locking means is capable of being
2 disengaged from the outside by school district employees,
3 and school district employees may use a key or other
4 credentials to unlock the door from the outside.

5 (6) The door security locking means does not modify the
6 door-closing hardware, panic hardware, or fire exit
7 hardware.

8 (7) Any bolts, stops, brackets, or pins employed by the
9 door security locking means do not affect the fire rating
10 of a fire door assembly.

11 (8) School district employees are trained in the
12 engagement and release of the door security locking means,
13 from within and outside the room, as part of the emergency
14 response plan.

15 (9) For doors installed before July 1, 2019 only, the
16 unlocking and unlatching of a door security locking means
17 requires no more than 2 releasing operations. For doors
18 installed on or after July 1, 2019, the unlocking and
19 unlatching of a door security locking means requires no
20 more than one releasing operation. If doors installed
21 before July 1, 2019 are replaced on or after July 1, 2019,
22 the unlocking and unlatching of a door security locking
23 means on the replacement door requires no more than one
24 releasing operation.

25 (10) The door security locking means is no more than 48
26 inches above the finished floor.

1 (11) The door security locking means otherwise
2 complies with the school building code prepared by the
3 State Board of Education under Section 2-3.12.

4 A school district may install a door security locking means
5 that does not comply with paragraph (3) or (10) of this
6 subsection if (i) the school district meets all other
7 requirements under this subsection and (ii) prior to its
8 installation, local law enforcement officials, the local fire
9 department, and the school board agree, in writing, to the
10 installation and use of the door security locking means. The
11 school district must keep the agreement on file and must, upon
12 request, provide the agreement to its regional office of
13 education. The agreement must be included in the school
14 district's filed school safety plan under the School Safety
15 Drill Act.

16 (c) A school district must include the location of any door
17 security locking means and must address the use of the locking
18 and unlocking means from within and outside the room in its
19 filed school safety plan under the School Safety Drill Act.
20 Local law enforcement officials and the local fire department
21 must be notified of the location of any door security locking
22 means and how to disengage it. Any specific tool needed to
23 disengage the door security locking means from the outside of
24 the room must, upon request, be made available to local law
25 enforcement officials and the local fire department.

26 (d) A door security locking means may be used only (i) by a

1 school district employee trained under subsection (e), (ii)
2 during an emergency that threatens the health and safety of
3 students and employees or during an active shooter drill, and
4 (iii) when local law enforcement officials and the local fire
5 department have been notified of its installation prior to its
6 use. The door security locking means must be engaged for a
7 finite period of time in accordance with the school district's
8 school safety plan adopted under the School Safety Drill Act.

9 (e) A school district that has installed a door security
10 locking means shall conduct an in-service training program for
11 school district employees on the proper use of the door
12 security locking means. The school district shall keep a file
13 verifying the employees who have completed the program and
14 must, upon request, provide the file to its regional office of
15 education and the local fire department and local law
16 enforcement agency.

17 (f) A door security locking means that requires 2 releasing
18 operations must be discontinued from use when the door is
19 replaced or is a part of new construction. Replacement and new
20 construction door hardware must include mortise locks,
21 compliant with the applicable building code, and must be
22 lockable from the occupied side without opening the door.
23 However, mortise locks are not required if panic hardware or
24 fire exit hardware is required.

25 (Source: P.A. 101-548, eff. 8-23-19; revised 10-21-19.)

1 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

2 Sec. 10-21.9. Criminal history records checks and checks of
3 the Statewide Sex Offender Database and Statewide Murderer and
4 Violent Offender Against Youth Database.

5 (a) Licensed and nonlicensed applicants for employment
6 with a school district, except school bus driver applicants,
7 are required as a condition of employment to authorize a
8 fingerprint-based criminal history records check to determine
9 if such applicants have been convicted of any disqualifying,
10 enumerated criminal or drug offenses in subsection (c) of this
11 Section or have been convicted, within 7 years of the
12 application for employment with the school district, of any
13 other felony under the laws of this State or of any offense
14 committed or attempted in any other state or against the laws
15 of the United States that, if committed or attempted in this
16 State, would have been punishable as a felony under the laws of
17 this State. Authorization for the check shall be furnished by
18 the applicant to the school district, except that if the
19 applicant is a substitute teacher seeking employment in more
20 than one school district, a teacher seeking concurrent
21 part-time employment positions with more than one school
22 district (as a reading specialist, special education teacher or
23 otherwise), or an educational support personnel employee
24 seeking employment positions with more than one district, any
25 such district may require the applicant to furnish
26 authorization for the check to the regional superintendent of

1 the educational service region in which are located the school
2 districts in which the applicant is seeking employment as a
3 substitute or concurrent part-time teacher or concurrent
4 educational support personnel employee. Upon receipt of this
5 authorization, the school district or the appropriate regional
6 superintendent, as the case may be, shall submit the
7 applicant's name, sex, race, date of birth, social security
8 number, fingerprint images, and other identifiers, as
9 prescribed by the Department of State Police, to the
10 Department. The regional superintendent submitting the
11 requisite information to the Department of State Police shall
12 promptly notify the school districts in which the applicant is
13 seeking employment as a substitute or concurrent part-time
14 teacher or concurrent educational support personnel employee
15 that the check of the applicant has been requested. The
16 Department of State Police and the Federal Bureau of
17 Investigation shall furnish, pursuant to a fingerprint-based
18 criminal history records check, records of convictions,
19 forever and hereinafter, until expunged, to the president of
20 the school board for the school district that requested the
21 check, or to the regional superintendent who requested the
22 check. The Department shall charge the school district or the
23 appropriate regional superintendent a fee for conducting such
24 check, which fee shall be deposited in the State Police
25 Services Fund and shall not exceed the cost of the inquiry; and
26 the applicant shall not be charged a fee for such check by the

1 school district or by the regional superintendent, except that
2 those applicants seeking employment as a substitute teacher
3 with a school district may be charged a fee not to exceed the
4 cost of the inquiry. Subject to appropriations for these
5 purposes, the State Superintendent of Education shall
6 reimburse school districts and regional superintendents for
7 fees paid to obtain criminal history records checks under this
8 Section.

9 (a-5) The school district or regional superintendent shall
10 further perform a check of the Statewide Sex Offender Database,
11 as authorized by the Sex Offender Community Notification Law,
12 for each applicant. The check of the Statewide Sex Offender
13 Database must be conducted by the school district or regional
14 superintendent once for every 5 years that an applicant remains
15 employed by the school district.

16 (a-6) The school district or regional superintendent shall
17 further perform a check of the Statewide Murderer and Violent
18 Offender Against Youth Database, as authorized by the Murderer
19 and Violent Offender Against Youth Community Notification Law,
20 for each applicant. The check of the Murderer and Violent
21 Offender Against Youth Database must be conducted by the school
22 district or regional superintendent once for every 5 years that
23 an applicant remains employed by the school district.

24 (b) Any information concerning the record of convictions
25 obtained by the president of the school board or the regional
26 superintendent shall be confidential and may only be

1 transmitted to the superintendent of the school district or his
2 designee, the appropriate regional superintendent if the check
3 was requested by the school district, the presidents of the
4 appropriate school boards if the check was requested from the
5 Department of State Police by the regional superintendent, the
6 State Board of Education and a school district as authorized
7 under subsection (b-5), the State Superintendent of Education,
8 the State Educator Preparation and Licensure Board, any other
9 person necessary to the decision of hiring the applicant for
10 employment, or for clarification purposes the Department of
11 State Police or Statewide Sex Offender Database, or both. A
12 copy of the record of convictions obtained from the Department
13 of State Police shall be provided to the applicant for
14 employment. Upon the check of the Statewide Sex Offender
15 Database or Statewide Murderer and Violent Offender Against
16 Youth Database, the school district or regional superintendent
17 shall notify an applicant as to whether or not the applicant
18 has been identified in the Database. If a check of an applicant
19 for employment as a substitute or concurrent part-time teacher
20 or concurrent educational support personnel employee in more
21 than one school district was requested by the regional
22 superintendent, and the Department of State Police upon a check
23 ascertains that the applicant has not been convicted of any of
24 the enumerated criminal or drug offenses in subsection (c) of
25 this Section or has not been convicted, within 7 years of the
26 application for employment with the school district, of any

1 other felony under the laws of this State or of any offense
2 committed or attempted in any other state or against the laws
3 of the United States that, if committed or attempted in this
4 State, would have been punishable as a felony under the laws of
5 this State and so notifies the regional superintendent and if
6 the regional superintendent upon a check ascertains that the
7 applicant has not been identified in the Sex Offender Database
8 or Statewide Murderer and Violent Offender Against Youth
9 Database, then the regional superintendent shall issue to the
10 applicant a certificate evidencing that as of the date
11 specified by the Department of State Police the applicant has
12 not been convicted of any of the enumerated criminal or drug
13 offenses in subsection (c) of this Section or has not been
14 convicted, within 7 years of the application for employment
15 with the school district, of any other felony under the laws of
16 this State or of any offense committed or attempted in any
17 other state or against the laws of the United States that, if
18 committed or attempted in this State, would have been
19 punishable as a felony under the laws of this State and
20 evidencing that as of the date that the regional superintendent
21 conducted a check of the Statewide Sex Offender Database or
22 Statewide Murderer and Violent Offender Against Youth
23 Database, the applicant has not been identified in the
24 Database. The school board of any school district may rely on
25 the certificate issued by any regional superintendent to that
26 substitute teacher, concurrent part-time teacher, or

1 concurrent educational support personnel employee or may
2 initiate its own criminal history records check of the
3 applicant through the Department of State Police and its own
4 check of the Statewide Sex Offender Database or Statewide
5 Murderer and Violent Offender Against Youth Database as
6 provided in this Section. Any unauthorized release of
7 confidential information may be a violation of Section 7 of the
8 Criminal Identification Act.

9 (b-5) If a criminal history records check or check of the
10 Statewide Sex Offender Database or Statewide Murderer and
11 Violent Offender Against Youth Database is performed by a
12 regional superintendent for an applicant seeking employment as
13 a substitute teacher with a school district, the regional
14 superintendent may disclose to the State Board of Education
15 whether the applicant has been issued a certificate under
16 subsection (b) based on those checks. If the State Board
17 receives information on an applicant under this subsection,
18 then it must indicate in the Educator Licensure Information
19 System for a 90-day period that the applicant has been issued
20 or has not been issued a certificate.

21 (c) No school board shall knowingly employ a person who has
22 been convicted of any offense that would subject him or her to
23 license suspension or revocation pursuant to Section 21B-80 of
24 this Code, except as provided under subsection (b) of Section
25 21B-80. Further, no school board shall knowingly employ a
26 person who has been found to be the perpetrator of sexual or

1 physical abuse of any minor under 18 years of age pursuant to
2 proceedings under Article II of the Juvenile Court Act of 1987.
3 As a condition of employment, each school board must consider
4 the status of a person who has been issued an indicated finding
5 of abuse or neglect of a child by the Department of Children
6 and Family Services under the Abused and Neglected Child
7 Reporting Act or by a child welfare agency of another
8 jurisdiction.

9 (d) No school board shall knowingly employ a person for
10 whom a criminal history records check and a Statewide Sex
11 Offender Database check have ~~has~~ not been initiated.

12 (e) If permissible by federal or State law, no later than
13 15 business days after receipt of a record of conviction or of
14 checking the Statewide Murderer and Violent Offender Against
15 Youth Database or the Statewide Sex Offender Database and
16 finding a registration, the superintendent of the employing
17 school board or the applicable regional superintendent shall,
18 in writing, notify the State Superintendent of Education of any
19 license holder who has been convicted of a crime set forth in
20 Section 21B-80 of this Code. Upon receipt of the record of a
21 conviction of or a finding of child abuse by a holder of any
22 license issued pursuant to Article 21B or Section 34-8.1 or
23 34-83 of the School Code, the State Superintendent of Education
24 may initiate licensure suspension and revocation proceedings
25 as authorized by law. If the receipt of the record of
26 conviction or finding of child abuse is received within 6

1 months after the initial grant of or renewal of a license, the
2 State Superintendent of Education may rescind the license
3 holder's license.

4 (e-5) The superintendent of the employing school board
5 shall, in writing, notify the State Superintendent of Education
6 and the applicable regional superintendent of schools of any
7 license holder whom he or she has reasonable cause to believe
8 has committed an intentional act of abuse or neglect with the
9 result of making a child an abused child or a neglected child,
10 as defined in Section 3 of the Abused and Neglected Child
11 Reporting Act, and that act resulted in the license holder's
12 dismissal or resignation from the school district. This
13 notification must be submitted within 30 days after the
14 dismissal or resignation. The license holder must also be
15 contemporaneously sent a copy of the notice by the
16 superintendent. All correspondence, documentation, and other
17 information so received by the regional superintendent of
18 schools, the State Superintendent of Education, the State Board
19 of Education, or the State Educator Preparation and Licensure
20 Board under this subsection (e-5) is confidential and must not
21 be disclosed to third parties, except (i) as necessary for the
22 State Superintendent of Education or his or her designee to
23 investigate and prosecute pursuant to Article 21B of this Code,
24 (ii) pursuant to a court order, (iii) for disclosure to the
25 license holder or his or her representative, or (iv) as
26 otherwise provided in this Article and provided that any such

1 information admitted into evidence in a hearing is exempt from
2 this confidentiality and non-disclosure requirement. Except
3 for an act of willful or wanton misconduct, any superintendent
4 who provides notification as required in this subsection (e-5)
5 shall have immunity from any liability, whether civil or
6 criminal or that otherwise might result by reason of such
7 action.

8 (f) After January 1, 1990 the provisions of this Section
9 shall apply to all employees of persons or firms holding
10 contracts with any school district including, but not limited
11 to, food service workers, school bus drivers and other
12 transportation employees, who have direct, daily contact with
13 the pupils of any school in such district. For purposes of
14 criminal history records checks and checks of the Statewide Sex
15 Offender Database on employees of persons or firms holding
16 contracts with more than one school district and assigned to
17 more than one school district, the regional superintendent of
18 the educational service region in which the contracting school
19 districts are located may, at the request of any such school
20 district, be responsible for receiving the authorization for a
21 criminal history records check prepared by each such employee
22 and submitting the same to the Department of State Police and
23 for conducting a check of the Statewide Sex Offender Database
24 for each employee. Any information concerning the record of
25 conviction and identification as a sex offender of any such
26 employee obtained by the regional superintendent shall be

1 promptly reported to the president of the appropriate school
2 board or school boards.

3 (f-5) Upon request of a school or school district, any
4 information obtained by a school district pursuant to
5 subsection (f) of this Section within the last year must be
6 made available to the requesting school or school district.

7 (g) Prior to the commencement of any student teaching
8 experience or required internship (which is referred to as
9 student teaching in this Section) in the public schools, a
10 student teacher is required to authorize a fingerprint-based
11 criminal history records check. Authorization for and payment
12 of the costs of the check must be furnished by the student
13 teacher to the school district where the student teaching is to
14 be completed. Upon receipt of this authorization and payment,
15 the school district shall submit the student teacher's name,
16 sex, race, date of birth, social security number, fingerprint
17 images, and other identifiers, as prescribed by the Department
18 of State Police, to the Department of State Police. The
19 Department of State Police and the Federal Bureau of
20 Investigation shall furnish, pursuant to a fingerprint-based
21 criminal history records check, records of convictions,
22 forever and hereinafter, until expunged, to the president of
23 the school board for the school district that requested the
24 check. The Department shall charge the school district a fee
25 for conducting the check, which fee must not exceed the cost of
26 the inquiry and must be deposited into the State Police

1 Services Fund. The school district shall further perform a
2 check of the Statewide Sex Offender Database, as authorized by
3 the Sex Offender Community Notification Law, and of the
4 Statewide Murderer and Violent Offender Against Youth
5 Database, as authorized by the Murderer and Violent Offender
6 Against Youth Registration Act, for each student teacher. No
7 school board may knowingly allow a person to student teach for
8 whom a criminal history records check, a Statewide Sex Offender
9 Database check, and a Statewide Murderer and Violent Offender
10 Against Youth Database check have not been completed and
11 reviewed by the district.

12 A copy of the record of convictions obtained from the
13 Department of State Police must be provided to the student
14 teacher. Any information concerning the record of convictions
15 obtained by the president of the school board is confidential
16 and may only be transmitted to the superintendent of the school
17 district or his or her designee, the State Superintendent of
18 Education, the State Educator Preparation and Licensure Board,
19 or, for clarification purposes, the Department of State Police
20 or the Statewide Sex Offender Database or Statewide Murderer
21 and Violent Offender Against Youth Database. Any unauthorized
22 release of confidential information may be a violation of
23 Section 7 of the Criminal Identification Act.

24 No school board shall knowingly allow a person to student
25 teach who has been convicted of any offense that would subject
26 him or her to license suspension or revocation pursuant to

1 subsection (c) of Section 21B-80 of this Code, except as
2 provided under subsection (b) of Section 21B-80. Further, no
3 school board shall allow a person to student teach if he or she
4 has been found to be the perpetrator of sexual or physical
5 abuse of a minor under 18 years of age pursuant to proceedings
6 under Article II of the Juvenile Court Act of 1987. Each school
7 board must consider the status of a person to student teach who
8 has been issued an indicated finding of abuse or neglect of a
9 child by the Department of Children and Family Services under
10 the Abused and Neglected Child Reporting Act or by a child
11 welfare agency of another jurisdiction.

12 (h) (Blank).

13 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
14 revised 12-3-19.)

15 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

16 Sec. 14-8.02. Identification, evaluation, and placement of
17 children.

18 (a) The State Board of Education shall make rules under
19 which local school boards shall determine the eligibility of
20 children to receive special education. Such rules shall ensure
21 that a free appropriate public education be available to all
22 children with disabilities as defined in Section 14-1.02. The
23 State Board of Education shall require local school districts
24 to administer non-discriminatory procedures or tests to
25 English learners coming from homes in which a language other

1 than English is used to determine their eligibility to receive
2 special education. The placement of low English proficiency
3 students in special education programs and facilities shall be
4 made in accordance with the test results reflecting the
5 student's linguistic, cultural and special education needs.
6 For purposes of determining the eligibility of children the
7 State Board of Education shall include in the rules definitions
8 of "case study", "staff conference", "individualized
9 educational program", and "qualified specialist" appropriate
10 to each category of children with disabilities as defined in
11 this Article. For purposes of determining the eligibility of
12 children from homes in which a language other than English is
13 used, the State Board of Education shall include in the rules
14 definitions for "qualified bilingual specialists" and
15 "linguistically and culturally appropriate individualized
16 educational programs". For purposes of this Section, as well as
17 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,
18 "parent" means a parent as defined in the federal Individuals
19 with Disabilities Education Act (20 U.S.C. 1401(23)).

20 (b) No child shall be eligible for special education
21 facilities except with a carefully completed case study fully
22 reviewed by professional personnel in a multidisciplinary
23 staff conference and only upon the recommendation of qualified
24 specialists or a qualified bilingual specialist, if available.
25 At the conclusion of the multidisciplinary staff conference,
26 the parent of the child shall be given a copy of the

1 multidisciplinary conference summary report and
2 recommendations, which includes options considered, and be
3 informed of his or her ~~their~~ right to obtain an independent
4 educational evaluation if he or she disagrees ~~they disagree~~
5 with the evaluation findings conducted or obtained by the
6 school district. If the school district's evaluation is shown
7 to be inappropriate, the school district shall reimburse the
8 parent for the cost of the independent evaluation. The State
9 Board of Education shall, with advice from the State Advisory
10 Council on Education of Children with Disabilities on the
11 inclusion of specific independent educational evaluators,
12 prepare a list of suggested independent educational
13 evaluators. The State Board of Education shall include on the
14 list clinical psychologists licensed pursuant to the Clinical
15 Psychologist Licensing Act. Such psychologists shall not be
16 paid fees in excess of the amount that would be received by a
17 school psychologist for performing the same services. The State
18 Board of Education shall supply school districts with such list
19 and make the list available to parents at their request. School
20 districts shall make the list available to parents at the time
21 they are informed of their right to obtain an independent
22 educational evaluation. However, the school district may
23 initiate an impartial due process hearing under this Section
24 within 5 days of any written parent request for an independent
25 educational evaluation to show that its evaluation is
26 appropriate. If the final decision is that the evaluation is

1 appropriate, the parent still has a right to an independent
2 educational evaluation, but not at public expense. An
3 independent educational evaluation at public expense must be
4 completed within 30 days of a parent written request unless the
5 school district initiates an impartial due process hearing or
6 the parent or school district offers reasonable grounds to show
7 that such 30-day ~~30-day~~ time period should be extended. If the
8 due process hearing decision indicates that the parent is
9 entitled to an independent educational evaluation, it must be
10 completed within 30 days of the decision unless the parent or
11 the school district offers reasonable grounds to show that such
12 30-day ~~30-day~~ period should be extended. If a parent disagrees
13 with the summary report or recommendations of the
14 multidisciplinary conference or the findings of any
15 educational evaluation which results therefrom, the school
16 district shall not proceed with a placement based upon such
17 evaluation and the child shall remain in his or her regular
18 classroom setting. No child shall be eligible for admission to
19 a special class for children with a mental disability who are
20 educable or for children with a mental disability who are
21 trainable except with a psychological evaluation and
22 recommendation by a school psychologist. Consent shall be
23 obtained from the parent of a child before any evaluation is
24 conducted. If consent is not given by the parent or if the
25 parent disagrees with the findings of the evaluation, then the
26 school district may initiate an impartial due process hearing

1 under this Section. The school district may evaluate the child
2 if that is the decision resulting from the impartial due
3 process hearing and the decision is not appealed or if the
4 decision is affirmed on appeal. The determination of
5 eligibility shall be made and the IEP meeting shall be
6 completed within 60 school days from the date of written
7 parental consent. In those instances when written parental
8 consent is obtained with fewer than 60 pupil attendance days
9 left in the school year, the eligibility determination shall be
10 made and the IEP meeting shall be completed prior to the first
11 day of the following school year. Special education and related
12 services must be provided in accordance with the student's IEP
13 no later than 10 school attendance days after notice is
14 provided to the parents pursuant to Section 300.503 of Title 34
15 of the Code of Federal Regulations and implementing rules
16 adopted by the State Board of Education. The appropriate
17 program pursuant to the individualized educational program of
18 students whose native tongue is a language other than English
19 shall reflect the special education, cultural and linguistic
20 needs. No later than September 1, 1993, the State Board of
21 Education shall establish standards for the development,
22 implementation and monitoring of appropriate bilingual special
23 individualized educational programs. The State Board of
24 Education shall further incorporate appropriate monitoring
25 procedures to verify implementation of these standards. The
26 district shall indicate to the parent and the State Board of

1 Education the nature of the services the child will receive for
2 the regular school term while waiting placement in the
3 appropriate special education class. At the child's initial IEP
4 meeting and at each annual review meeting, the child's IEP team
5 shall provide the child's parent or guardian with a written
6 notification that informs the parent or guardian that the IEP
7 team is required to consider whether the child requires
8 assistive technology in order to receive free, appropriate
9 public education. The notification must also include a
10 toll-free telephone number and internet address for the State's
11 assistive technology program.

12 If the child is deaf, hard of hearing, blind, or visually
13 impaired and he or she might be eligible to receive services
14 from the Illinois School for the Deaf or the Illinois School
15 for the Visually Impaired, the school district shall notify the
16 parents, in writing, of the existence of these schools and the
17 services they provide and shall make a reasonable effort to
18 inform the parents of the existence of other, local schools
19 that provide similar services and the services that these other
20 schools provide. This notification shall include without
21 limitation information on school services, school admissions
22 criteria, and school contact information.

23 In the development of the individualized education program
24 for a student who has a disability on the autism spectrum
25 (which includes autistic disorder, Asperger's disorder,
26 pervasive developmental disorder not otherwise specified,

1 childhood disintegrative disorder, and Rett Syndrome, as
2 defined in the Diagnostic and Statistical Manual of Mental
3 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
4 consider all of the following factors:

5 (1) The verbal and nonverbal communication needs of the
6 child.

7 (2) The need to develop social interaction skills and
8 proficiencies.

9 (3) The needs resulting from the child's unusual
10 responses to sensory experiences.

11 (4) The needs resulting from resistance to
12 environmental change or change in daily routines.

13 (5) The needs resulting from engagement in repetitive
14 activities and stereotyped movements.

15 (6) The need for any positive behavioral
16 interventions, strategies, and supports to address any
17 behavioral difficulties resulting from autism spectrum
18 disorder.

19 (7) Other needs resulting from the child's disability
20 that impact progress in the general curriculum, including
21 social and emotional development.

22 Public Act 95-257 does not create any new entitlement to a
23 service, program, or benefit, but must not affect any
24 entitlement to a service, program, or benefit created by any
25 other law.

26 If the student may be eligible to participate in the

1 Home-Based Support Services Program for Adults with Mental
2 Disabilities authorized under the Developmental Disability and
3 Mental Disability Services Act upon becoming an adult, the
4 student's individualized education program shall include plans
5 for (i) determining the student's eligibility for those
6 home-based services, (ii) enrolling the student in the program
7 of home-based services, and (iii) developing a plan for the
8 student's most effective use of the home-based services after
9 the student becomes an adult and no longer receives special
10 educational services under this Article. The plans developed
11 under this paragraph shall include specific actions to be taken
12 by specified individuals, agencies, or officials.

13 (c) In the development of the individualized education
14 program for a student who is functionally blind, it shall be
15 presumed that proficiency in Braille reading and writing is
16 essential for the student's satisfactory educational progress.
17 For purposes of this subsection, the State Board of Education
18 shall determine the criteria for a student to be classified as
19 functionally blind. Students who are not currently identified
20 as functionally blind who are also entitled to Braille
21 instruction include: (i) those whose vision loss is so severe
22 that they are unable to read and write at a level comparable to
23 their peers solely through the use of vision, and (ii) those
24 who show evidence of progressive vision loss that may result in
25 functional blindness. Each student who is functionally blind
26 shall be entitled to Braille reading and writing instruction

1 that is sufficient to enable the student to communicate with
2 the same level of proficiency as other students of comparable
3 ability. Instruction should be provided to the extent that the
4 student is physically and cognitively able to use Braille.
5 Braille instruction may be used in combination with other
6 special education services appropriate to the student's
7 educational needs. The assessment of each student who is
8 functionally blind for the purpose of developing the student's
9 individualized education program shall include documentation
10 of the student's strengths and weaknesses in Braille skills.
11 Each person assisting in the development of the individualized
12 education program for a student who is functionally blind shall
13 receive information describing the benefits of Braille
14 instruction. The individualized education program for each
15 student who is functionally blind shall specify the appropriate
16 learning medium or media based on the assessment report.

17 (d) To the maximum extent appropriate, the placement shall
18 provide the child with the opportunity to be educated with
19 children who do not have a disability; provided that children
20 with disabilities who are recommended to be placed into regular
21 education classrooms are provided with supplementary services
22 to assist the children with disabilities to benefit from the
23 regular classroom instruction and are included on the teacher's
24 regular education class register. Subject to the limitation of
25 the preceding sentence, placement in special classes, separate
26 schools or other removal of the child with a disability from

1 the regular educational environment shall occur only when the
2 nature of the severity of the disability is such that education
3 in the regular classes with the use of supplementary aids and
4 services cannot be achieved satisfactorily. The placement of
5 English learners with disabilities shall be in non-restrictive
6 environments which provide for integration with peers who do
7 not have disabilities in bilingual classrooms. Annually, each
8 January, school districts shall report data on students from
9 non-English speaking backgrounds receiving special education
10 and related services in public and private facilities as
11 prescribed in Section 2-3.30. If there is a disagreement
12 between parties involved regarding the special education
13 placement of any child, either in-state or out-of-state, the
14 placement is subject to impartial due process procedures
15 described in Article 10 of the Rules and Regulations to Govern
16 the Administration and Operation of Special Education.

17 (e) No child who comes from a home in which a language
18 other than English is the principal language used may be
19 assigned to any class or program under this Article until he
20 has been given, in the principal language used by the child and
21 used in his home, tests reasonably related to his cultural
22 environment. All testing and evaluation materials and
23 procedures utilized for evaluation and placement shall not be
24 linguistically, racially or culturally discriminatory.

25 (f) Nothing in this Article shall be construed to require
26 any child to undergo any physical examination or medical

1 treatment whose parents object thereto on the grounds that such
2 examination or treatment conflicts with his religious beliefs.

3 (g) School boards or their designee shall provide to the
4 parents of a child prior written notice of any decision (a)
5 proposing to initiate or change, or (b) refusing to initiate or
6 change, the identification, evaluation, or educational
7 placement of the child or the provision of a free appropriate
8 public education to their child, and the reasons therefor. Such
9 written notification shall also inform the parent of the
10 opportunity to present complaints with respect to any matter
11 relating to the educational placement of the student, or the
12 provision of a free appropriate public education and to have an
13 impartial due process hearing on the complaint. The notice
14 shall inform the parents in the parents' native language,
15 unless it is clearly not feasible to do so, of their rights and
16 all procedures available pursuant to this Act and the federal
17 Individuals with Disabilities Education Improvement Act of
18 2004 (Public Law 108-446); it shall be the responsibility of
19 the State Superintendent to develop uniform notices setting
20 forth the procedures available under this Act and the federal
21 Individuals with Disabilities Education Improvement Act of
22 2004 (Public Law 108-446) to be used by all school boards. The
23 notice shall also inform the parents of the availability upon
24 request of a list of free or low-cost legal and other relevant
25 services available locally to assist parents in initiating an
26 impartial due process hearing. The State Superintendent shall

1 revise the uniform notices required by this subsection (g) to
2 reflect current law and procedures at least once every 2 years.
3 Any parent who is deaf, or does not normally communicate using
4 spoken English, who participates in a meeting with a
5 representative of a local educational agency for the purposes
6 of developing an individualized educational program shall be
7 entitled to the services of an interpreter. The State Board of
8 Education must adopt rules to establish the criteria,
9 standards, and competencies for a bilingual language
10 interpreter who attends an individualized education program
11 meeting under this subsection to assist a parent who has
12 limited English proficiency.

13 (g-5) For purposes of this subsection (g-5), "qualified
14 professional" means an individual who holds credentials to
15 evaluate the child in the domain or domains for which an
16 evaluation is sought or an intern working under the direct
17 supervision of a qualified professional, including a master's
18 or doctoral degree candidate.

19 To ensure that a parent can participate fully and
20 effectively with school personnel in the development of
21 appropriate educational and related services for his or her
22 child, the parent, an independent educational evaluator, or a
23 qualified professional retained by or on behalf of a parent or
24 child must be afforded reasonable access to educational
25 facilities, personnel, classrooms, and buildings and to the
26 child as provided in this subsection (g-5). The requirements of

1 this subsection (g-5) apply to any public school facility,
2 building, or program and to any facility, building, or program
3 supported in whole or in part by public funds. Prior to
4 visiting a school, school building, or school facility, the
5 parent, independent educational evaluator, or qualified
6 professional may be required by the school district to inform
7 the building principal or supervisor in writing of the proposed
8 visit, the purpose of the visit, and the approximate duration
9 of the visit. The visitor and the school district shall arrange
10 the visit or visits at times that are mutually agreeable.
11 Visitors shall comply with school safety, security, and
12 visitation policies at all times. School district visitation
13 policies must not conflict with this subsection (g-5). Visitors
14 shall be required to comply with the requirements of applicable
15 privacy laws, including those laws protecting the
16 confidentiality of education records such as the federal Family
17 Educational Rights and Privacy Act and the Illinois School
18 Student Records Act. The visitor shall not disrupt the
19 educational process.

20 (1) A parent must be afforded reasonable access of
21 sufficient duration and scope for the purpose of observing
22 his or her child in the child's current educational
23 placement, services, or program or for the purpose of
24 visiting an educational placement or program proposed for
25 the child.

26 (2) An independent educational evaluator or a

1 qualified professional retained by or on behalf of a parent
2 or child must be afforded reasonable access of sufficient
3 duration and scope for the purpose of conducting an
4 evaluation of the child, the child's performance, the
5 child's current educational program, placement, services,
6 or environment, or any educational program, placement,
7 services, or environment proposed for the child, including
8 interviews of educational personnel, child observations,
9 assessments, tests or assessments of the child's
10 educational program, services, or placement or of any
11 proposed educational program, services, or placement. If
12 one or more interviews of school personnel are part of the
13 evaluation, the interviews must be conducted at a mutually
14 agreed upon time, date, and place that do not interfere
15 with the school employee's school duties. The school
16 district may limit interviews to personnel having
17 information relevant to the child's current educational
18 services, program, or placement or to a proposed
19 educational service, program, or placement.

20 ~~(h) (Blank).~~

21 ~~(i) (Blank).~~

22 ~~(j) (Blank).~~

23 ~~(k) (Blank).~~

24 ~~(l) (Blank).~~

25 ~~(m) (Blank).~~

26 ~~(n) (Blank).~~

1 ~~(e) (Blank).~~

2 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;
3 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

4 (105 ILCS 5/18-8.15)

5 Sec. 18-8.15. Evidence-Based Funding ~~Evidence-based~~
6 ~~funding~~ for student success for the 2017-2018 and subsequent
7 school years.

8 (a) General provisions.

9 (1) The purpose of this Section is to ensure that, by
10 June 30, 2027 and beyond, this State has a kindergarten
11 through grade 12 public education system with the capacity
12 to ensure the educational development of all persons to the
13 limits of their capacities in accordance with Section 1 of
14 Article X of the Constitution of the State of Illinois. To
15 accomplish that objective, this Section creates a method of
16 funding public education that is evidence-based; is
17 sufficient to ensure every student receives a meaningful
18 opportunity to learn irrespective of race, ethnicity,
19 sexual orientation, gender, or community-income level; and
20 is sustainable and predictable. When fully funded under
21 this Section, every school shall have the resources, based
22 on what the evidence indicates is needed, to:

23 (A) provide all students with a high quality
24 education that offers the academic, enrichment, social
25 and emotional support, technical, and career-focused

1 programs that will allow them to become competitive
2 workers, responsible parents, productive citizens of
3 this State, and active members of our national
4 democracy;

5 (B) ensure all students receive the education they
6 need to graduate from high school with the skills
7 required to pursue post-secondary education and
8 training for a rewarding career;

9 (C) reduce, with a goal of eliminating, the
10 achievement gap between at-risk and non-at-risk
11 students by raising the performance of at-risk
12 students and not by reducing standards; and

13 (D) ensure this State satisfies its obligation to
14 assume the primary responsibility to fund public
15 education and simultaneously relieve the
16 disproportionate burden placed on local property taxes
17 to fund schools.

18 (2) The Evidence-Based Funding ~~evidence based funding~~
19 formula under this Section shall be applied to all
20 Organizational Units in this State. The Evidence-Based
21 Funding ~~evidence based funding~~ formula outlined in this
22 Act is based on the formula outlined in Senate Bill 1 of
23 the 100th General Assembly, as passed by both legislative
24 chambers. As further defined and described in this Section,
25 there are 4 major components of the Evidence-Based Funding
26 ~~evidence based funding~~ model:

1 (A) First, the model calculates a unique Adequacy
2 Target ~~adequacy target~~ for each Organizational Unit in
3 this State that considers the costs to implement
4 research-based activities, the unit's student
5 demographics, and regional wage differences
6 ~~difference~~.

7 (B) Second, the model calculates each
8 Organizational Unit's Local Capacity ~~local capacity~~,
9 or the amount each Organizational Unit is assumed to
10 contribute toward ~~towards~~ its Adequacy Target ~~adequacy~~
11 ~~target~~ from local resources.

12 (C) Third, the model calculates how much funding
13 the State currently contributes to the Organizational
14 Unit, and adds that to the unit's Local Capacity ~~local~~
15 ~~capacity~~ to determine the unit's overall current
16 adequacy of funding.

17 (D) Finally, the model's distribution method
18 allocates new State funding to those Organizational
19 Units that are least well-funded, considering both
20 Local Capacity ~~local capacity~~ and State funding, in
21 relation to their Adequacy Target ~~adequacy target~~.

22 (3) An Organizational Unit receiving any funding under
23 this Section may apply those funds to any fund so received
24 for which that Organizational Unit is authorized to make
25 expenditures by law.

26 (4) As used in this Section, the following terms shall

1 have the meanings ascribed in this paragraph (4):

2 "Adequacy Target" is defined in paragraph (1) of
3 subsection (b) of this Section.

4 "Adjusted EAV" is defined in paragraph (4) of
5 subsection (d) of this Section.

6 "Adjusted Local Capacity Target" is defined in
7 paragraph (3) of subsection (c) of this Section.

8 "Adjusted Operating Tax Rate" means a tax rate for all
9 Organizational Units, for which the State Superintendent
10 shall calculate and subtract for the Operating Tax Rate a
11 transportation rate based on total expenses for
12 transportation services under this Code, as reported on the
13 most recent Annual Financial Report in Pupil
14 Transportation Services, function 2550 in both the
15 Education and Transportation funds and functions 4110 and
16 4120 in the Transportation fund, less any corresponding
17 fiscal year State of Illinois scheduled payments excluding
18 net adjustments for prior years for regular, vocational, or
19 special education transportation reimbursement pursuant to
20 Section 29-5 or subsection (b) of Section 14-13.01 of this
21 Code divided by the Adjusted EAV. If an Organizational
22 Unit's corresponding fiscal year State of Illinois
23 scheduled payments excluding net adjustments for prior
24 years for regular, vocational, or special education
25 transportation reimbursement pursuant to Section 29-5 or
26 subsection (b) of Section 14-13.01 of this Code exceed the

1 total transportation expenses, as defined in this
2 paragraph, no transportation rate shall be subtracted from
3 the Operating Tax Rate.

4 "Allocation Rate" is defined in paragraph (3) of
5 subsection (g) of this Section.

6 "Alternative School" means a public school that is
7 created and operated by a regional superintendent of
8 schools and approved by the State Board.

9 "Applicable Tax Rate" is defined in paragraph (1) of
10 subsection (d) of this Section.

11 "Assessment" means any of those benchmark, progress
12 monitoring, formative, diagnostic, and other assessments,
13 in addition to the State accountability assessment, that
14 assist teachers' needs in understanding the skills and
15 meeting the needs of the students they serve.

16 "Assistant principal" means a school administrator
17 duly endorsed to be employed as an assistant principal in
18 this State.

19 "At-risk student" means a student who is at risk of not
20 meeting the Illinois Learning Standards or not graduating
21 from elementary or high school and who demonstrates a need
22 for vocational support or social services beyond that
23 provided by the regular school program. All students
24 included in an Organizational Unit's Low-Income Count, as
25 well as all English learner and disabled students attending
26 the Organizational Unit, shall be considered at-risk

1 students under this Section.

2 "Average Student Enrollment" or "ASE" for fiscal year
3 2018 means, for an Organizational Unit, the greater of the
4 average number of students (grades K through 12) reported
5 to the State Board as enrolled in the Organizational Unit
6 on October 1 in the immediately preceding school year, plus
7 the pre-kindergarten students who receive special
8 education services of 2 or more hours a day as reported to
9 the State Board on December 1 in the immediately preceding
10 school year, or the average number of students (grades K
11 through 12) reported to the State Board as enrolled in the
12 Organizational Unit on October 1, plus the
13 pre-kindergarten students who receive special education
14 services of 2 or more hours a day as reported to the State
15 Board on December 1, for each of the immediately preceding
16 3 school years. For fiscal year 2019 and each subsequent
17 fiscal year, "Average Student Enrollment" or "ASE" means,
18 for an Organizational Unit, the greater of the average
19 number of students (grades K through 12) reported to the
20 State Board as enrolled in the Organizational Unit on
21 October 1 and March 1 in the immediately preceding school
22 year, plus the pre-kindergarten students who receive
23 special education services as reported to the State Board
24 on October 1 and March 1 in the immediately preceding
25 school year, or the average number of students (grades K
26 through 12) reported to the State Board as enrolled in the

1 Organizational Unit on October 1 and March 1, plus the
2 pre-kindergarten students who receive special education
3 services as reported to the State Board on October 1 and
4 March 1, for each of the immediately preceding 3 school
5 years. For the purposes of this definition, "enrolled in
6 the Organizational Unit" means the number of students
7 reported to the State Board who are enrolled in schools
8 within the Organizational Unit that the student attends or
9 would attend if not placed or transferred to another school
10 or program to receive needed services. For the purposes of
11 calculating "ASE", all students, grades K through 12,
12 excluding those attending kindergarten for a half day and
13 students attending an alternative education program
14 operated by a regional office of education or intermediate
15 service center, shall be counted as 1.0. All students
16 attending kindergarten for a half day shall be counted as
17 0.5, unless in 2017 by June 15 or by March 1 in subsequent
18 years, the school district reports to the State Board of
19 Education the intent to implement full-day kindergarten
20 district-wide for all students, then all students
21 attending kindergarten shall be counted as 1.0. Special
22 education pre-kindergarten students shall be counted as
23 0.5 each. If the State Board does not collect or has not
24 collected both an October 1 and March 1 enrollment count by
25 grade or a December 1 collection of special education
26 pre-kindergarten students as of August 31, 2017 (the

1 effective date of Public Act 100-465) ~~this amendatory Act~~
2 ~~of the 100th General Assembly~~, it shall establish such
3 collection for all future years. For any year in which
4 ~~where~~ a count by grade level was collected only once, that
5 count shall be used as the single count available for
6 computing a 3-year average ASE. Funding for programs
7 operated by a regional office of education or an
8 intermediate service center must be calculated using the
9 Evidence-Based Funding ~~evidence-based funding~~ formula
10 under this Section for the 2019-2020 school year and each
11 subsequent school year until separate adequacy formulas
12 are developed and adopted for each type of program. ASE for
13 a program operated by a regional office of education or an
14 intermediate service center must be determined by the March
15 1 enrollment for the program. For the 2019-2020 school
16 year, the ASE used in the calculation must be the
17 first-year ASE and, in that year only, the assignment of
18 students served by a regional office of education or
19 intermediate service center shall not result in a reduction
20 of the March enrollment for any school district. For the
21 2020-2021 school year, the ASE must be the greater of the
22 current-year ASE or the 2-year average ASE. Beginning with
23 the 2021-2022 school year, the ASE must be the greater of
24 the current-year ASE or the 3-year average ASE. School
25 districts shall submit the data for the ASE calculation to
26 the State Board within 45 days of the dates required in

1 this Section for submission of enrollment data in order for
2 it to be included in the ASE calculation. For fiscal year
3 2018 only, the ASE calculation shall include only
4 enrollment taken on October 1.

5 "Base Funding Guarantee" is defined in paragraph (10)
6 of subsection (g) of this Section.

7 "Base Funding Minimum" is defined in subsection (e) of
8 this Section.

9 "Base Tax Year" means the property tax levy year used
10 to calculate the Budget Year allocation of primary State
11 aid.

12 "Base Tax Year's Extension" means the product of the
13 equalized assessed valuation utilized by the county clerk
14 in the Base Tax Year multiplied by the limiting rate as
15 calculated by the county clerk and defined in PTELL.

16 "Bilingual Education Allocation" means the amount of
17 an Organizational Unit's final Adequacy Target
18 attributable to bilingual education divided by the
19 Organizational Unit's final Adequacy Target, the product
20 of which shall be multiplied by the amount of new funding
21 received pursuant to this Section. An Organizational
22 Unit's final Adequacy Target attributable to bilingual
23 education shall include all additional investments in
24 English learner students' adequacy elements.

25 "Budget Year" means the school year for which primary
26 State aid is calculated and awarded under this Section.

1 "Central office" means individual administrators and
2 support service personnel charged with managing the
3 instructional programs, business and operations, and
4 security of the Organizational Unit.

5 "Comparable Wage Index" or "CWI" means a regional cost
6 differentiation metric that measures systemic, regional
7 variations in the salaries of college graduates who are not
8 educators. The CWI utilized for this Section shall, for the
9 first 3 years of Evidence-Based Funding implementation, be
10 the CWI initially developed by the National Center for
11 Education Statistics, as most recently updated by Texas A &
12 M University. In the fourth and subsequent years of
13 Evidence-Based Funding implementation, the State
14 Superintendent shall re-determine the CWI using a similar
15 methodology to that identified in the Texas A & M
16 University study, with adjustments made no less frequently
17 than once every 5 years.

18 "Computer technology and equipment" means computers
19 servers, notebooks, network equipment, copiers, printers,
20 instructional software, security software, curriculum
21 management courseware, and other similar materials and
22 equipment.

23 "Computer technology and equipment investment
24 allocation" means the final Adequacy Target amount of an
25 Organizational Unit assigned to Tier 1 or Tier 2 in the
26 prior school year attributable to the additional \$285.50

1 per student computer technology and equipment investment
2 grant divided by the Organizational Unit's final Adequacy
3 Target, the result of which shall be multiplied by the
4 amount of new funding received pursuant to this Section. An
5 Organizational Unit assigned to a Tier 1 or Tier 2 final
6 Adequacy Target attributable to the received computer
7 technology and equipment investment grant shall include
8 all additional investments in computer technology and
9 equipment adequacy elements.

10 "Core subject" means mathematics; science; reading,
11 English, writing, and language arts; history and social
12 studies; world languages; and subjects taught as Advanced
13 Placement in high schools.

14 "Core teacher" means a regular classroom teacher in
15 elementary schools and teachers of a core subject in middle
16 and high schools.

17 "Core Intervention teacher (tutor)" means a licensed
18 teacher providing one-on-one or small group tutoring to
19 students struggling to meet proficiency in core subjects.

20 "CPPRT" means corporate personal property replacement
21 tax funds paid to an Organizational Unit during the
22 calendar year one year before the calendar year in which a
23 school year begins, pursuant to "An Act in relation to the
24 abolition of ad valorem personal property tax and the
25 replacement of revenues lost thereby, and amending and
26 repealing certain Acts and parts of Acts in connection

1 therewith", certified August 14, 1979, as amended (Public
2 Act 81-1st S.S.-1).

3 "EAV" means equalized assessed valuation as defined in
4 paragraph (2) of subsection (d) of this Section and
5 calculated in accordance with paragraph (3) of subsection
6 (d) of this Section.

7 "ECI" means the Bureau of Labor Statistics' national
8 employment cost index for civilian workers in educational
9 services in elementary and secondary schools on a
10 cumulative basis for the 12-month calendar year preceding
11 the fiscal year of the Evidence-Based Funding calculation.

12 "EIS Data" means the employment information system
13 data maintained by the State Board on educators within
14 Organizational Units.

15 "Employee benefits" means health, dental, and vision
16 insurance offered to employees of an Organizational Unit,
17 the costs associated with the statutorily required payment
18 of the normal cost of the Organizational Unit's teacher
19 pensions, Social Security employer contributions, and
20 Illinois Municipal Retirement Fund employer contributions.

21 "English learner" or "EL" means a child included in the
22 definition of "English learners" under Section 14C-2 of
23 this Code participating in a program of transitional
24 bilingual education or a transitional program of
25 instruction meeting the requirements and program
26 application procedures of Article 14C of this Code. For the

1 purposes of collecting the number of EL students enrolled,
2 the same collection and calculation methodology as defined
3 above for "ASE" shall apply to English learners, with the
4 exception that EL student enrollment shall include
5 students in grades pre-kindergarten through 12.

6 "Essential Elements" means those elements, resources,
7 and educational programs that have been identified through
8 academic research as necessary to improve student success,
9 improve academic performance, close achievement gaps, and
10 provide for other per student costs related to the delivery
11 and leadership of the Organizational Unit, as well as the
12 maintenance and operations of the unit, and which are
13 specified in paragraph (2) of subsection (b) of this
14 Section.

15 "Evidence-Based Funding" means State funding provided
16 to an Organizational Unit pursuant to this Section.

17 "Extended day" means academic and enrichment programs
18 provided to students outside the regular school day before
19 and after school or during non-instructional times during
20 the school day.

21 "Extension Limitation Ratio" means a numerical ratio
22 in which the numerator is the Base Tax Year's Extension and
23 the denominator is the Preceding Tax Year's Extension.

24 "Final Percent of Adequacy" is defined in paragraph (4)
25 of subsection (f) of this Section.

26 "Final Resources" is defined in paragraph (3) of

1 subsection (f) of this Section.

2 "Full-time equivalent" or "FTE" means the full-time
3 equivalency compensation for staffing the relevant
4 position at an Organizational Unit.

5 "Funding Gap" is defined in paragraph (1) of subsection
6 (g).

7 "Guidance counselor" means a licensed guidance
8 counselor who provides guidance and counseling support for
9 students within an Organizational Unit.

10 "Hybrid District" means a partial elementary unit
11 district created pursuant to Article 11E of this Code.

12 "Instructional assistant" means a core or special
13 education, non-licensed employee who assists a teacher in
14 the classroom and provides academic support to students.

15 "Instructional facilitator" means a qualified teacher
16 or licensed teacher leader who facilitates and coaches
17 continuous improvement in classroom instruction; provides
18 instructional support to teachers in the elements of
19 research-based instruction or demonstrates the alignment
20 of instruction with curriculum standards and assessment
21 tools; develops or coordinates instructional programs or
22 strategies; develops and implements training; chooses
23 standards-based instructional materials; provides teachers
24 with an understanding of current research; serves as a
25 mentor, site coach, curriculum specialist, or lead
26 teacher; or otherwise works with fellow teachers, in

1 collaboration, to use data to improve instructional
2 practice or develop model lessons.

3 "Instructional materials" means relevant instructional
4 materials for student instruction, including, but not
5 limited to, textbooks, consumable workbooks, laboratory
6 equipment, library books, and other similar materials.

7 "Laboratory School" means a public school that is
8 created and operated by a public university and approved by
9 the State Board.

10 "Librarian" means a teacher with an endorsement as a
11 library information specialist or another individual whose
12 primary responsibility is overseeing library resources
13 within an Organizational Unit.

14 "Limiting rate for Hybrid Districts" means the
15 combined elementary school and high school limiting
16 ~~limited~~ rates.

17 "Local Capacity" is defined in paragraph (1) of
18 subsection (c) of this Section.

19 "Local Capacity Percentage" is defined in subparagraph
20 (A) of paragraph (2) of subsection (c) of this Section.

21 "Local Capacity Ratio" is defined in subparagraph (B)
22 of paragraph (2) of subsection (c) of this Section.

23 "Local Capacity Target" is defined in paragraph (2) of
24 subsection (c) of this Section.

25 "Low-Income Count" means, for an Organizational Unit
26 in a fiscal year, the higher of the average number of

1 students for the prior school year or the immediately
2 preceding 3 school years who, as of July 1 of the
3 immediately preceding fiscal year (as determined by the
4 Department of Human Services), are eligible for at least
5 one of the following low-income ~~low-income~~ programs:
6 Medicaid, the Children's Health Insurance Program,
7 Temporary Assistance for Needy Families (TANF), or the
8 Supplemental Nutrition Assistance Program, excluding
9 pupils who are eligible for services provided by the
10 Department of Children and Family Services. Until such time
11 that grade level low-income populations become available,
12 grade level low-income populations shall be determined by
13 applying the low-income percentage to total student
14 enrollments by grade level. The low-income percentage is
15 determined by dividing the Low-Income Count by the Average
16 Student Enrollment. The low-income percentage for programs
17 operated by a regional office of education or an
18 intermediate service center must be set to the weighted
19 average of the low-income percentages of all of the school
20 districts in the service region. The weighted low-income
21 percentage is the result of multiplying the low-income
22 percentage of each school district served by the regional
23 office of education or intermediate service center by each
24 school district's Average Student Enrollment, summarizing
25 those products and dividing the total by the total Average
26 Student Enrollment for the service region.

1 "Maintenance and operations" means custodial services,
2 facility and ground maintenance, facility operations,
3 facility security, routine facility repairs, and other
4 similar services and functions.

5 "Minimum Funding Level" is defined in paragraph (9) of
6 subsection (g) of this Section.

7 "New Property Tax Relief Pool Funds" means, for any
8 given fiscal year, all State funds appropriated under
9 Section 2-3.170 of the School Code.

10 "New State Funds" means, for a given school year, all
11 State funds appropriated for Evidence-Based Funding in
12 excess of the amount needed to fund the Base Funding
13 Minimum for all Organizational Units in that school year.

14 "Net State Contribution Target" means, for a given
15 school year, the amount of State funds that would be
16 necessary to fully meet the Adequacy Target of an
17 Operational Unit minus the Preliminary Resources available
18 to each unit.

19 "Nurse" means an individual licensed as a certified
20 school nurse, in accordance with the rules established for
21 nursing services by the State Board, who is an employee of
22 and is available to provide health care-related services
23 for students of an Organizational Unit.

24 "Operating Tax Rate" means the rate utilized in the
25 previous year to extend property taxes for all purposes,
26 except, Bond and Interest, Summer School, Rent, Capital

1 Improvement, and Vocational Education Building purposes.
2 For Hybrid Districts, the Operating Tax Rate shall be the
3 combined elementary and high school rates utilized in the
4 previous year to extend property taxes for all purposes,
5 except ~~7~~ Bond and Interest, Summer School, Rent, Capital
6 Improvement, and Vocational Education Building purposes.

7 "Organizational Unit" means a Laboratory School or any
8 public school district that is recognized as such by the
9 State Board and that contains elementary schools typically
10 serving kindergarten through 5th grades, middle schools
11 typically serving 6th through 8th grades, high schools
12 typically serving 9th through 12th grades, a program
13 established under Section 2-3.66 or 2-3.41, or a program
14 operated by a regional office of education or an
15 intermediate service center under Article 13A or 13B. The
16 General Assembly acknowledges that the actual grade levels
17 served by a particular Organizational Unit may vary
18 slightly from what is typical.

19 "Organizational Unit CWI" is determined by calculating
20 the CWI in the region and original county in which an
21 Organizational Unit's primary administrative office is
22 located as set forth in this paragraph, provided that if
23 the Organizational Unit CWI as calculated in accordance
24 with this paragraph is less than 0.9, the Organizational
25 Unit CWI shall be increased to 0.9. Each county's current
26 CWI value shall be adjusted based on the CWI value of that

1 county's neighboring Illinois counties, to create a
2 "weighted adjusted index value". This shall be calculated
3 by summing the CWI values of all of a county's adjacent
4 Illinois counties and dividing by the number of adjacent
5 Illinois counties, then taking the weighted value of the
6 original county's CWI value and the adjacent Illinois
7 county average. To calculate this weighted value, if the
8 number of adjacent Illinois counties is greater than 2, the
9 original county's CWI value will be weighted at 0.25 and
10 the adjacent Illinois county average will be weighted at
11 0.75. If the number of adjacent Illinois counties is 2, the
12 original county's CWI value will be weighted at 0.33 and
13 the adjacent Illinois county average will be weighted at
14 0.66. The greater of the county's current CWI value and its
15 weighted adjusted index value shall be used as the
16 Organizational Unit CWI.

17 "Preceding Tax Year" means the property tax levy year
18 immediately preceding the Base Tax Year.

19 "Preceding Tax Year's Extension" means the product of
20 the equalized assessed valuation utilized by the county
21 clerk in the Preceding Tax Year multiplied by the Operating
22 Tax Rate.

23 "Preliminary Percent of Adequacy" is defined in
24 paragraph (2) of subsection (f) of this Section.

25 "Preliminary Resources" is defined in paragraph (2) of
26 subsection (f) of this Section.

1 "Principal" means a school administrator duly endorsed
2 to be employed as a principal in this State.

3 "Professional development" means training programs for
4 licensed staff in schools, including, but not limited to,
5 programs that assist in implementing new curriculum
6 programs, provide data focused or academic assessment data
7 training to help staff identify a student's weaknesses and
8 strengths, target interventions, improve instruction,
9 encompass instructional strategies for English learner,
10 gifted, or at-risk students, address inclusivity, cultural
11 sensitivity, or implicit bias, or otherwise provide
12 professional support for licensed staff.

13 "Prototypical" means 450 special education
14 pre-kindergarten and kindergarten through grade 5 students
15 for an elementary school, 450 grade 6 through 8 students
16 for a middle school, and 600 grade 9 through 12 students
17 for a high school.

18 "PTELL" means the Property Tax Extension Limitation
19 Law.

20 "PTELL EAV" is defined in paragraph (4) of subsection
21 (d) of this Section.

22 "Pupil support staff" means a nurse, psychologist,
23 social worker, family liaison personnel, or other staff
24 member who provides support to at-risk or struggling
25 students.

26 "Real Receipts" is defined in paragraph (1) of

1 subsection (d) of this Section.

2 "Regionalization Factor" means, for a particular
3 Organizational Unit, the figure derived by dividing the
4 Organizational Unit CWI by the Statewide Weighted CWI.

5 "School site staff" means the primary school secretary
6 and any additional clerical personnel assigned to a school.

7 "Special education" means special educational
8 facilities and services, as defined in Section 14-1.08 of
9 this Code.

10 "Special Education Allocation" means the amount of an
11 Organizational Unit's final Adequacy Target attributable
12 to special education divided by the Organizational Unit's
13 final Adequacy Target, the product of which shall be
14 multiplied by the amount of new funding received pursuant
15 to this Section. An Organizational Unit's final Adequacy
16 Target attributable to special education shall include all
17 special education investment adequacy elements.

18 "Specialist teacher" means a teacher who provides
19 instruction in subject areas not included in core subjects,
20 including, but not limited to, art, music, physical
21 education, health, driver education, career-technical
22 education, and such other subject areas as may be mandated
23 by State law or provided by an Organizational Unit.

24 "Specially Funded Unit" means an Alternative School,
25 safe school, Department of Juvenile Justice school,
26 special education cooperative or entity recognized by the

1 State Board as a special education cooperative,
2 State-approved charter school, or alternative learning
3 opportunities program that received direct funding from
4 the State Board during the 2016-2017 school year through
5 any of the funding sources included within the calculation
6 of the Base Funding Minimum or Glenwood Academy.

7 "Supplemental Grant Funding" means supplemental
8 general State aid funding received by an Organizational
9 ~~Organization~~ Unit during the 2016-2017 school year
10 pursuant to subsection (H) of Section 18-8.05 of this Code
11 (now repealed).

12 "State Adequacy Level" is the sum of the Adequacy
13 Targets of all Organizational Units.

14 "State Board" means the State Board of Education.

15 "State Superintendent" means the State Superintendent
16 of Education.

17 "Statewide Weighted CWI" means a figure determined by
18 multiplying each Organizational Unit CWI times the ASE for
19 that Organizational Unit creating a weighted value,
20 summing all Organizational Units' ~~Unit's~~ weighted values,
21 and dividing by the total ASE of all Organizational Units,
22 thereby creating an average weighted index.

23 "Student activities" means non-credit producing
24 after-school programs, including, but not limited to,
25 clubs, bands, sports, and other activities authorized by
26 the school board of the Organizational Unit.

1 "Substitute teacher" means an individual teacher or
2 teaching assistant who is employed by an Organizational
3 Unit and is temporarily serving the Organizational Unit on
4 a per diem or per period-assignment basis to replace
5 ~~replacing~~ another staff member.

6 "Summer school" means academic and enrichment programs
7 provided to students during the summer months outside of
8 the regular school year.

9 "Supervisory aide" means a non-licensed staff member
10 who helps in supervising students of an Organizational
11 Unit, but does so outside of the classroom, in situations
12 such as, but not limited to, monitoring hallways and
13 playgrounds, supervising lunchrooms, or supervising
14 students when being transported in buses serving the
15 Organizational Unit.

16 "Target Ratio" is defined in paragraph (4) of
17 subsection (g).

18 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
19 in paragraph (3) of subsection (g).

20 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
21 Funding", "Tier 3 Aggregate Funding", and "Tier 4 Aggregate
22 Funding" are defined in paragraph (1) of subsection (g).

23 (b) Adequacy Target calculation.

24 (1) Each Organizational Unit's Adequacy Target is the
25 sum of the Organizational Unit's cost of providing
26 Essential Elements, as calculated in accordance with this

1 subsection (b), with the salary amounts in the Essential
2 Elements multiplied by a Regionalization Factor calculated
3 pursuant to paragraph (3) of this subsection (b).

4 (2) The Essential Elements are attributable on a pro
5 rata basis related to defined subgroups of the ASE of each
6 Organizational Unit as specified in this paragraph (2),
7 with investments and FTE positions pro rata funded based on
8 ASE counts in excess or less than the thresholds set forth
9 in this paragraph (2). The method for calculating
10 attributable pro rata costs and the defined subgroups
11 thereto are as follows:

12 (A) Core class size investments. Each
13 Organizational Unit shall receive the funding required
14 to support that number of FTE core teacher positions as
15 is needed to keep the respective class sizes of the
16 Organizational Unit to the following maximum numbers:

17 (i) For grades kindergarten through 3, the
18 Organizational Unit shall receive funding required
19 to support one FTE core teacher position for every
20 15 Low-Income Count students in those grades and
21 one FTE core teacher position for every 20
22 non-Low-Income Count students in those grades.

23 (ii) For grades 4 through 12, the
24 Organizational Unit shall receive funding required
25 to support one FTE core teacher position for every
26 20 Low-Income Count students in those grades and

1 one FTE core teacher position for every 25
2 non-Low-Income Count students in those grades.

3 The number of non-Low-Income Count students in a
4 grade shall be determined by subtracting the
5 Low-Income students in that grade from the ASE of the
6 Organizational Unit for that grade.

7 (B) Specialist teacher investments. Each
8 Organizational Unit shall receive the funding needed
9 to cover that number of FTE specialist teacher
10 positions that correspond to the following
11 percentages:

12 (i) if the Organizational Unit operates an
13 elementary or middle school, then 20.00% of the
14 number of the Organizational Unit's core teachers,
15 as determined under subparagraph (A) of this
16 paragraph (2); and

17 (ii) if such Organizational Unit operates a
18 high school, then 33.33% of the number of the
19 Organizational Unit's core teachers.

20 (C) Instructional facilitator investments. Each
21 Organizational Unit shall receive the funding needed
22 to cover one FTE instructional facilitator position
23 for every 200 combined ASE of pre-kindergarten
24 children with disabilities and all kindergarten
25 through grade 12 students of the Organizational Unit.

26 (D) Core intervention teacher (tutor) investments.

1 Each Organizational Unit shall receive the funding
2 needed to cover one FTE teacher position for each
3 prototypical elementary, middle, and high school.

4 (E) Substitute teacher investments. Each
5 Organizational Unit shall receive the funding needed
6 to cover substitute teacher costs that is equal to
7 5.70% of the minimum pupil attendance days required
8 under Section 10-19 of this Code for all full-time
9 equivalent core, specialist, and intervention
10 teachers, school nurses, special education teachers
11 and instructional assistants, instructional
12 facilitators, and summer school and extended day
13 ~~extended-day~~ teacher positions, as determined under
14 this paragraph (2), at a salary rate of 33.33% of the
15 average salary for grade K through 12 teachers and
16 33.33% of the average salary of each instructional
17 assistant position.

18 (F) Core guidance counselor investments. Each
19 Organizational Unit shall receive the funding needed
20 to cover one FTE guidance counselor for each 450
21 combined ASE of pre-kindergarten children with
22 disabilities and all kindergarten through grade 5
23 students, plus one FTE guidance counselor for each 250
24 grades 6 through 8 ASE middle school students, plus one
25 FTE guidance counselor for each 250 grades 9 through 12
26 ASE high school students.

1 (G) Nurse investments. Each Organizational Unit
2 shall receive the funding needed to cover one FTE nurse
3 for each 750 combined ASE of pre-kindergarten children
4 with disabilities and all kindergarten through grade
5 12 students across all grade levels it serves.

6 (H) Supervisory aide investments. Each
7 Organizational Unit shall receive the funding needed
8 to cover one FTE for each 225 combined ASE of
9 pre-kindergarten children with disabilities and all
10 kindergarten through grade 5 students, plus one FTE for
11 each 225 ASE middle school students, plus one FTE for
12 each 200 ASE high school students.

13 (I) Librarian investments. Each Organizational
14 Unit shall receive the funding needed to cover one FTE
15 librarian for each prototypical elementary school,
16 middle school, and high school and one FTE aide or
17 media technician for every 300 combined ASE of
18 pre-kindergarten children with disabilities and all
19 kindergarten through grade 12 students.

20 (J) Principal investments. Each Organizational
21 Unit shall receive the funding needed to cover one FTE
22 principal position for each prototypical elementary
23 school, plus one FTE principal position for each
24 prototypical middle school, plus one FTE principal
25 position for each prototypical high school.

26 (K) Assistant principal investments. Each

1 Organizational Unit shall receive the funding needed
2 to cover one FTE assistant principal position for each
3 prototypical elementary school, plus one FTE assistant
4 principal position for each prototypical middle
5 school, plus one FTE assistant principal position for
6 each prototypical high school.

7 (L) School site staff investments. Each
8 Organizational Unit shall receive the funding needed
9 for one FTE position for each 225 ASE of
10 pre-kindergarten children with disabilities and all
11 kindergarten through grade 5 students, plus one FTE
12 position for each 225 ASE middle school students, plus
13 one FTE position for each 200 ASE high school students.

14 (M) Gifted investments. Each Organizational Unit
15 shall receive \$40 per kindergarten through grade 12
16 ASE.

17 (N) Professional development investments. Each
18 Organizational Unit shall receive \$125 per student of
19 the combined ASE of pre-kindergarten children with
20 disabilities and all kindergarten through grade 12
21 students for trainers and other professional
22 development-related expenses for supplies and
23 materials.

24 (O) Instructional material investments. Each
25 Organizational Unit shall receive \$190 per student of
26 the combined ASE of pre-kindergarten children with

1 disabilities and all kindergarten through grade 12
2 students to cover instructional material costs.

3 (P) Assessment investments. Each Organizational
4 Unit shall receive \$25 per student of the combined ASE
5 of pre-kindergarten children with disabilities and all
6 kindergarten through grade 12 students ~~student~~ to
7 cover assessment costs.

8 (Q) Computer technology and equipment investments.
9 Each Organizational Unit shall receive \$285.50 per
10 student of the combined ASE of pre-kindergarten
11 children with disabilities and all kindergarten
12 through grade 12 students to cover computer technology
13 and equipment costs. For the 2018-2019 school year and
14 subsequent school years, Organizational Units assigned
15 to Tier 1 and Tier 2 in the prior school year shall
16 receive an additional \$285.50 per student of the
17 combined ASE of pre-kindergarten children with
18 disabilities and all kindergarten through grade 12
19 students to cover computer technology and equipment
20 costs in the Organizational ~~Organization~~ Unit's
21 Adequacy Target. The State Board may establish
22 additional requirements for Organizational Unit
23 expenditures of funds received pursuant to this
24 subparagraph (Q), including a requirement that funds
25 received pursuant to this subparagraph (Q) may be used
26 only for serving the technology needs of the district.

1 It is the intent of Public Act 100-465 ~~this amendatory~~
2 ~~Act of the 100th General Assembly~~ that all Tier 1 and
3 Tier 2 districts receive the addition to their Adequacy
4 Target in the following year, subject to compliance
5 with the requirements of the State Board.

6 (R) Student activities investments. Each
7 Organizational Unit shall receive the following
8 funding amounts to cover student activities: \$100 per
9 kindergarten through grade 5 ASE student in elementary
10 school, plus \$200 per ASE student in middle school,
11 plus \$675 per ASE student in high school.

12 (S) Maintenance and operations investments. Each
13 Organizational Unit shall receive \$1,038 per student
14 of the combined ASE of pre-kindergarten children with
15 disabilities and all kindergarten through grade 12
16 students for day-to-day maintenance and operations
17 expenditures, including salary, supplies, and
18 materials, as well as purchased services, but
19 excluding employee benefits. The proportion of salary
20 for the application of a Regionalization Factor and the
21 calculation of benefits is equal to \$352.92.

22 (T) Central office investments. Each
23 Organizational Unit shall receive \$742 per student of
24 the combined ASE of pre-kindergarten children with
25 disabilities and all kindergarten through grade 12
26 students to cover central office operations, including

1 administrators and classified personnel charged with
2 managing the instructional programs, business and
3 operations of the school district, and security
4 personnel. The proportion of salary for the
5 application of a Regionalization Factor and the
6 calculation of benefits is equal to \$368.48.

7 (U) Employee benefit investments. Each
8 Organizational Unit shall receive 30% of the total of
9 all salary-calculated elements of the Adequacy Target,
10 excluding substitute teachers and student activities
11 investments, to cover benefit costs. For central
12 office and maintenance and operations investments, the
13 benefit calculation shall be based upon the salary
14 proportion of each investment. If at any time the
15 responsibility for funding the employer normal cost of
16 teacher pensions is assigned to school districts, then
17 that amount certified by the Teachers' Retirement
18 System of the State of Illinois to be paid by the
19 Organizational Unit for the preceding school year
20 shall be added to the benefit investment. For any
21 fiscal year in which a school district organized under
22 Article 34 of this Code is responsible for paying the
23 employer normal cost of teacher pensions, then that
24 amount of its employer normal cost plus the amount for
25 retiree health insurance as certified by the Public
26 School Teachers' Pension and Retirement Fund of

1 Chicago to be paid by the school district for the
2 preceding school year that is statutorily required to
3 cover employer normal costs and the amount for retiree
4 health insurance shall be added to the 30% specified in
5 this subparagraph (U). The Teachers' Retirement System
6 of the State of Illinois and the Public School
7 Teachers' Pension and Retirement Fund of Chicago shall
8 submit such information as the State Superintendent
9 may require for the calculations set forth in this
10 subparagraph (U).

11 (V) Additional investments in low-income students.
12 In addition to and not in lieu of all other funding
13 under this paragraph (2), each Organizational Unit
14 shall receive funding based on the average teacher
15 salary for grades K through 12 to cover the costs of:

16 (i) one FTE intervention teacher (tutor)
17 position for every 125 Low-Income Count students;

18 (ii) one FTE pupil support staff position for
19 every 125 Low-Income Count students;

20 (iii) one FTE extended day teacher position
21 for every 120 Low-Income Count students; and

22 (iv) one FTE summer school teacher position
23 for every 120 Low-Income Count students.

24 (W) Additional investments in English learner
25 students. In addition to and not in lieu of all other
26 funding under this paragraph (2), each Organizational

1 Unit shall receive funding based on the average teacher
2 salary for grades K through 12 to cover the costs of:

3 (i) one FTE intervention teacher (tutor)
4 position for every 125 English learner students;

5 (ii) one FTE pupil support staff position for
6 every 125 English learner students;

7 (iii) one FTE extended day teacher position
8 for every 120 English learner students;

9 (iv) one FTE summer school teacher position
10 for every 120 English learner students; and

11 (v) one FTE core teacher position for every 100
12 English learner students.

13 (X) Special education investments. Each
14 Organizational Unit shall receive funding based on the
15 average teacher salary for grades K through 12 to cover
16 special education as follows:

17 (i) one FTE teacher position for every 141
18 combined ASE of pre-kindergarten children with
19 disabilities and all kindergarten through grade 12
20 students;

21 (ii) one FTE instructional assistant for every
22 141 combined ASE of pre-kindergarten children with
23 disabilities and all kindergarten through grade 12
24 students; and

25 (iii) one FTE psychologist position for every
26 1,000 combined ASE of pre-kindergarten children

1 with disabilities and all kindergarten through
2 grade 12 students.

3 (3) For calculating the salaries included within the
4 Essential Elements, the State Superintendent shall
5 annually calculate average salaries to the nearest dollar
6 using the employment information system data maintained by
7 the State Board, limited to public schools only and
8 excluding special education and vocational cooperatives,
9 schools operated by the Department of Juvenile Justice, and
10 charter schools, for the following positions:

- 11 (A) Teacher for grades K through 8.
- 12 (B) Teacher for grades 9 through 12.
- 13 (C) Teacher for grades K through 12.
- 14 (D) Guidance counselor for grades K through 8.
- 15 (E) Guidance counselor for grades 9 through 12.
- 16 (F) Guidance counselor for grades K through 12.
- 17 (G) Social worker.
- 18 (H) Psychologist.
- 19 (I) Librarian.
- 20 (J) Nurse.
- 21 (K) Principal.
- 22 (L) Assistant principal.

23 For the purposes of this paragraph (3), "teacher"
24 includes core teachers, specialist and elective teachers,
25 instructional facilitators, tutors, special education
26 teachers, pupil support staff teachers, English learner

1 teachers, extended day ~~extended day~~ teachers, and summer
2 school teachers. Where specific grade data is not required
3 for the Essential Elements, the average salary for
4 corresponding positions shall apply. For substitute
5 teachers, the average teacher salary for grades K through
6 12 shall apply.

7 For calculating the salaries included within the
8 Essential Elements for positions not included within EIS
9 Data, the following salaries shall be used in the first
10 year of implementation of Evidence-Based Funding:

11 (i) school site staff, \$30,000; and

12 (ii) non-instructional assistant, instructional
13 assistant, library aide, library media tech, or
14 supervisory aide: \$25,000.

15 In the second and subsequent years of implementation of
16 Evidence-Based Funding, the amounts in items (i) and (ii)
17 of this paragraph (3) shall annually increase by the ECI.

18 The salary amounts for the Essential Elements
19 determined pursuant to subparagraphs (A) through (L), (S)
20 and (T), and (V) through (X) of paragraph (2) of subsection
21 (b) of this Section shall be multiplied by a
22 Regionalization Factor.

23 (c) Local Capacity ~~capacity~~ calculation.

24 (1) Each Organizational Unit's Local Capacity
25 represents an amount of funding it is assumed to contribute
26 toward its Adequacy Target for purposes of the

1 Evidence-Based Funding formula calculation. "Local
2 Capacity" means either (i) the Organizational Unit's Local
3 Capacity Target as calculated in accordance with paragraph
4 (2) of this subsection (c) if its Real Receipts are equal
5 to or less than its Local Capacity Target or (ii) the
6 Organizational Unit's Adjusted Local Capacity, as
7 calculated in accordance with paragraph (3) of this
8 subsection (c) if Real Receipts are more than its Local
9 Capacity Target.

10 (2) "Local Capacity Target" means, for an
11 Organizational Unit, that dollar amount that is obtained by
12 multiplying its Adequacy Target by its Local Capacity
13 Ratio.

14 (A) An Organizational Unit's Local Capacity
15 Percentage is the conversion of the Organizational
16 Unit's Local Capacity Ratio, as such ratio is
17 determined in accordance with subparagraph (B) of this
18 paragraph (2), into a cumulative distribution
19 resulting in a percentile ranking to determine each
20 Organizational Unit's relative position to all other
21 Organizational Units in this State. The calculation of
22 Local Capacity Percentage is described in subparagraph
23 (C) of this paragraph (2).

24 (B) An Organizational Unit's Local Capacity Ratio
25 in a given year is the percentage obtained by dividing
26 its Adjusted EAV or PTELL EAV, whichever is less, by

1 its Adequacy Target, with the resulting ratio further
2 adjusted as follows:

3 (i) for Organizational Units serving grades
4 kindergarten through 12 and Hybrid Districts, no
5 further adjustments shall be made;

6 (ii) for Organizational Units serving grades
7 kindergarten through 8, the ratio shall be
8 multiplied by 9/13;

9 (iii) for Organizational Units serving grades
10 9 through 12, the Local Capacity Ratio shall be
11 multiplied by 4/13; and

12 (iv) for an Organizational Unit with a
13 different grade configuration than those specified
14 in items (i) through (iii) of this subparagraph
15 (B), the State Superintendent shall determine a
16 comparable adjustment based on the grades served.

17 (C) The Local Capacity Percentage is equal to the
18 percentile ranking of the district. Local Capacity
19 Percentage converts each Organizational Unit's Local
20 Capacity Ratio to a cumulative distribution resulting
21 in a percentile ranking to determine each
22 Organizational Unit's relative position to all other
23 Organizational Units in this State. The Local Capacity
24 Percentage cumulative distribution resulting in a
25 percentile ranking for each Organizational Unit shall
26 be calculated using the standard normal distribution

1 of the score in relation to the weighted mean and
2 weighted standard deviation and Local Capacity Ratios
3 of all Organizational Units. If the value assigned to
4 any Organizational Unit is in excess of 90%, the value
5 shall be adjusted to 90%. For Laboratory Schools, the
6 Local Capacity Percentage shall be set at 10% in
7 recognition of the absence of EAV and resources from
8 the public university that are allocated to the
9 Laboratory School. For programs operated by a regional
10 office of education or an intermediate service center,
11 the Local Capacity Percentage must be set at 10% in
12 recognition of the absence of EAV and resources from
13 school districts that are allocated to the regional
14 office of education or intermediate service center.
15 The weighted mean for the Local Capacity Percentage
16 shall be determined by multiplying each Organizational
17 Unit's Local Capacity Ratio times the ASE for the unit
18 creating a weighted value, summing the weighted values
19 of all Organizational Units, and dividing by the total
20 ASE of all Organizational Units. The weighted standard
21 deviation shall be determined by taking the square root
22 of the weighted variance of all Organizational Units'
23 Local Capacity Ratio, where the variance is calculated
24 by squaring the difference between each unit's Local
25 Capacity Ratio and the weighted mean, then multiplying
26 the variance for each unit times the ASE for the unit

1 to create a weighted variance for each unit, then
2 summing all units' weighted variance and dividing by
3 the total ASE of all units.

4 (D) For any Organizational Unit, the
5 Organizational Unit's Adjusted Local Capacity Target
6 shall be reduced by either (i) the school board's
7 remaining contribution pursuant to paragraph (ii) of
8 subsection (b-4) of Section 16-158 of the Illinois
9 Pension Code in a given year, or (ii) the board of
10 education's remaining contribution pursuant to
11 paragraph (iv) of subsection (b) of Section 17-129 of
12 the Illinois Pension Code absent the employer normal
13 cost portion of the required contribution and amount
14 allowed pursuant to subdivision (3) of Section
15 17-142.1 of the Illinois Pension Code in a given year.
16 In the preceding sentence, item (i) shall be certified
17 to the State Board of Education by the Teachers'
18 Retirement System of the State of Illinois and item
19 (ii) shall be certified to the State Board of Education
20 by the Public School Teachers' Pension and Retirement
21 Fund of the City of Chicago.

22 (3) If an Organizational Unit's Real Receipts are more
23 than its Local Capacity Target, then its Local Capacity
24 shall equal an Adjusted Local Capacity Target as calculated
25 in accordance with this paragraph (3). The Adjusted Local
26 Capacity Target is calculated as the sum of the

1 Organizational Unit's Local Capacity Target and its Real
2 Receipts Adjustment. The Real Receipts Adjustment equals
3 the Organizational Unit's Real Receipts less its Local
4 Capacity Target, with the resulting figure multiplied by
5 the Local Capacity Percentage.

6 As used in this paragraph (3), "Real Percent of
7 Adequacy" means the sum of an Organizational Unit's Real
8 Receipts, CPPRT, and Base Funding Minimum, with the
9 resulting figure divided by the Organizational Unit's
10 Adequacy Target.

11 (d) Calculation of Real Receipts, EAV, and Adjusted EAV for
12 purposes of the Local Capacity calculation.

13 (1) An Organizational Unit's Real Receipts are the
14 product of its Applicable Tax Rate and its Adjusted EAV. An
15 Organizational Unit's Applicable Tax Rate is its Adjusted
16 Operating Tax Rate for property within the Organizational
17 Unit.

18 (2) The State Superintendent shall calculate the
19 equalized assessed valuation ~~Equalized Assessed Valuation~~,
20 or EAV, of all taxable property of each Organizational Unit
21 as of September 30 of the previous year in accordance with
22 paragraph (3) of this subsection (d). The State
23 Superintendent shall then determine the Adjusted EAV of
24 each Organizational Unit in accordance with paragraph (4)
25 of this subsection (d), which Adjusted EAV figure shall be
26 used for the purposes of calculating Local Capacity.

1 (3) To calculate Real Receipts and EAV, the Department
2 of Revenue shall supply to the State Superintendent the
3 value as equalized or assessed by the Department of Revenue
4 of all taxable property of every Organizational Unit,
5 together with (i) the applicable tax rate used in extending
6 taxes for the funds of the Organizational Unit as of
7 September 30 of the previous year and (ii) the limiting
8 rate for all Organizational Units subject to property tax
9 extension limitations as imposed under PTELL.

10 (A) The Department of Revenue shall add to the
11 equalized assessed value of all taxable property of
12 each Organizational Unit situated entirely or
13 partially within a county that is or was subject to the
14 provisions of Section 15-176 or 15-177 of the Property
15 Tax Code (i) an amount equal to the total amount by
16 which the homestead exemption allowed under Section
17 15-176 or 15-177 of the Property Tax Code for real
18 property situated in that Organizational Unit exceeds
19 the total amount that would have been allowed in that
20 Organizational Unit if the maximum reduction under
21 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
22 in all other counties in tax year 2003 or (II) \$5,000
23 in all counties in tax year 2004 and thereafter and
24 (ii) an amount equal to the aggregate amount for the
25 taxable year of all additional exemptions under
26 Section 15-175 of the Property Tax Code for owners with

1 a household income of \$30,000 or less. The county clerk
2 of any county that is or was subject to the provisions
3 of Section 15-176 or 15-177 of the Property Tax Code
4 shall annually calculate and certify to the Department
5 of Revenue for each Organizational Unit all homestead
6 exemption amounts under Section 15-176 or 15-177 of the
7 Property Tax Code and all amounts of additional
8 exemptions under Section 15-175 of the Property Tax
9 Code for owners with a household income of \$30,000 or
10 less. It is the intent of this subparagraph (A) that if
11 the general homestead exemption for a parcel of
12 property is determined under Section 15-176 or 15-177
13 of the Property Tax Code rather than Section 15-175,
14 then the calculation of EAV shall not be affected by
15 the difference, if any, between the amount of the
16 general homestead exemption allowed for that parcel of
17 property under Section 15-176 or 15-177 of the Property
18 Tax Code and the amount that would have been allowed
19 had the general homestead exemption for that parcel of
20 property been determined under Section 15-175 of the
21 Property Tax Code. It is further the intent of this
22 subparagraph (A) that if additional exemptions are
23 allowed under Section 15-175 of the Property Tax Code
24 for owners with a household income of less than
25 \$30,000, then the calculation of EAV shall not be
26 affected by the difference, if any, because of those

1 additional exemptions.

2 (B) With respect to any part of an Organizational
3 Unit within a redevelopment project area in respect to
4 which a municipality has adopted tax increment
5 allocation financing pursuant to the Tax Increment
6 Allocation Redevelopment Act, Division 74.4 of Article
7 11 of the Illinois Municipal Code, or the Industrial
8 Jobs Recovery Law, Division 74.6 of Article 11 of the
9 Illinois Municipal Code, no part of the current EAV of
10 real property located in any such project area that
11 ~~which~~ is attributable to an increase above the total
12 initial EAV of such property shall be used as part of
13 the EAV of the Organizational Unit, until such time as
14 all redevelopment project costs have been paid, as
15 provided in Section 11-74.4-8 of the Tax Increment
16 Allocation Redevelopment Act or in Section 11-74.6-35
17 of the Industrial Jobs Recovery Law. For the purpose of
18 the EAV of the Organizational Unit, the total initial
19 EAV or the current EAV, whichever is lower, shall be
20 used until such time as all redevelopment project costs
21 have been paid.

22 (B-5) The real property equalized assessed
23 valuation for a school district shall be adjusted by
24 subtracting from the real property value, as equalized
25 or assessed by the Department of Revenue, for the
26 district an amount computed by dividing the amount of

1 any abatement of taxes under Section 18-170 of the
2 Property Tax Code by 3.00% for a district maintaining
3 grades kindergarten through 12, by 2.30% for a district
4 maintaining grades kindergarten through 8, or by 1.05%
5 for a district maintaining grades 9 through 12 and
6 adjusted by an amount computed by dividing the amount
7 of any abatement of taxes under subsection (a) of
8 Section 18-165 of the Property Tax Code by the same
9 percentage rates for district type as specified in this
10 subparagraph (B-5).

11 (C) For Organizational Units that are Hybrid
12 Districts, the State Superintendent shall use the
13 lesser of the adjusted equalized assessed valuation
14 for property within the partial elementary unit
15 district for elementary purposes, as defined in
16 Article 11E of this Code, or the adjusted equalized
17 assessed valuation for property within the partial
18 elementary unit district for high school purposes, as
19 defined in Article 11E of this Code.

20 (4) An Organizational Unit's Adjusted EAV shall be the
21 average of its EAV over the immediately preceding 3 years
22 or its EAV in the immediately preceding year if the EAV in
23 the immediately preceding year has declined by 10% or more
24 compared to the 3-year average. In the event of
25 Organizational Unit reorganization, consolidation, or
26 annexation, the Organizational Unit's Adjusted EAV for the

1 first 3 years after such change shall be as follows: the
2 most current EAV shall be used in the first year, the
3 average of a 2-year EAV or its EAV in the immediately
4 preceding year if the EAV declines by 10% or more compared
5 to the 2-year average for the second year, and a 3-year
6 average EAV or its EAV in the immediately preceding year if
7 the Adjusted ~~adjusted~~ EAV declines by 10% or more compared
8 to the 3-year average for the third year. For any school
9 district whose EAV in the immediately preceding year is
10 used in calculations, in the following year, the Adjusted
11 EAV shall be the average of its EAV over the immediately
12 preceding 2 years or the immediately preceding year if that
13 year represents a decline of 10% or more compared to the
14 2-year average.

15 "PTELL EAV" means a figure calculated by the State
16 Board for Organizational Units subject to PTELL as
17 described in this paragraph (4) for the purposes of
18 calculating an Organizational Unit's Local Capacity Ratio.
19 Except as otherwise provided in this paragraph (4), the
20 PTELL EAV of an Organizational Unit shall be equal to the
21 product of the equalized assessed valuation last used in
22 the calculation of general State aid under Section 18-8.05
23 of this Code (now repealed) or Evidence-Based Funding under
24 this Section and the Organizational Unit's Extension
25 Limitation Ratio. If an Organizational Unit has approved or
26 does approve an increase in its limiting rate, pursuant to

1 Section 18-190 of the Property Tax Code, affecting the Base
2 Tax Year, the PTELL EAV shall be equal to the product of
3 the equalized assessed valuation last used in the
4 calculation of general State aid under Section 18-8.05 of
5 this Code (now repealed) or Evidence-Based Funding under
6 this Section multiplied by an amount equal to one plus the
7 percentage increase, if any, in the Consumer Price Index
8 for All Urban Consumers for all items published by the
9 United States Department of Labor for the 12-month calendar
10 year preceding the Base Tax Year, plus the equalized
11 assessed valuation of new property, annexed property, and
12 recovered tax increment value and minus the equalized
13 assessed valuation of disconnected property.

14 As used in this paragraph (4), "new property" and
15 "recovered tax increment value" shall have the meanings set
16 forth in the Property Tax Extension Limitation Law.

17 (e) Base Funding Minimum calculation.

18 (1) For the 2017-2018 school year, the Base Funding
19 Minimum of an Organizational Unit or a Specially Funded
20 Unit shall be the amount of State funds distributed to the
21 Organizational Unit or Specially Funded Unit during the
22 2016-2017 school year prior to any adjustments and
23 specified appropriation amounts described in this
24 paragraph (1) from the following Sections, as calculated by
25 the State Superintendent: Section 18-8.05 of this Code (now
26 repealed); Section 5 of Article 224 of Public Act 99-524

1 (equity grants); Section 14-7.02b of this Code (funding for
2 children requiring special education services); Section
3 14-13.01 of this Code (special education facilities and
4 staffing), except for reimbursement of the cost of
5 transportation pursuant to Section 14-13.01; Section
6 14C-12 of this Code (English learners); and Section 18-4.3
7 of this Code (summer school), based on an appropriation
8 level of \$13,121,600. For a school district organized under
9 Article 34 of this Code, the Base Funding Minimum also
10 includes (i) the funds allocated to the school district
11 pursuant to Section 1D-1 of this Code attributable to
12 funding programs authorized by the Sections of this Code
13 listed in the preceding sentence, and (ii) the difference
14 between (I) the funds allocated to the school district
15 pursuant to Section 1D-1 of this Code attributable to the
16 funding programs authorized by Section 14-7.02 (non-public
17 special education reimbursement), subsection (b) of
18 Section 14-13.01 (special education transportation),
19 Section 29-5 (transportation), Section 2-3.80
20 (agricultural education), Section 2-3.66 (truants'
21 alternative education), Section 2-3.62 (educational
22 service centers), and Section 14-7.03 (special education -
23 orphanage) of this Code and Section 15 of the Childhood
24 Hunger Relief Act (free breakfast program) and (II) the
25 school district's actual expenditures for its non-public
26 special education, special education transportation,

1 transportation programs, agricultural education, truants'
2 alternative education, services that would otherwise be
3 performed by a regional office of education, special
4 education orphanage expenditures, and free breakfast, as
5 most recently calculated and reported pursuant to
6 subsection (f) of Section 1D-1 of this Code. The Base
7 Funding Minimum for Glenwood Academy shall be \$625,500. For
8 programs operated by a regional office of education or an
9 intermediate service center, the Base Funding Minimum must
10 be the total amount of State funds allocated to those
11 programs in the 2018-2019 school year and amounts provided
12 pursuant to Article 34 of Public Act 100-586 and Section
13 3-16 of this Code. All programs established after June 5,
14 2019 (the effective date of Public Act 101-10) ~~this~~
15 ~~amendatory Act of the 101st General Assembly~~ and
16 administered by a regional office of education or an
17 intermediate service center must have an initial Base
18 Funding Minimum set to an amount equal to the first-year
19 ASE multiplied by the amount of per pupil funding received
20 in the previous school year by the lowest funded similar
21 existing program type. If the enrollment for a program
22 operated by a regional office of education or an
23 intermediate service center is zero, then it may not
24 receive Base Funding Minimum funds for that program in the
25 next fiscal year, and those funds must be distributed to
26 Organizational Units under subsection (g).

1 (2) For the 2018-2019 and subsequent school years, the
2 Base Funding Minimum of Organizational Units and Specially
3 Funded Units shall be the sum of (i) the amount of
4 Evidence-Based Funding for the prior school year, (ii) the
5 Base Funding Minimum for the prior school year, and (iii)
6 any amount received by a school district pursuant to
7 Section 7 of Article 97 of Public Act 100-21.

8 (f) Percent of Adequacy and Final Resources calculation.

9 (1) The Evidence-Based Funding formula establishes a
10 Percent of Adequacy for each Organizational Unit in order
11 to place such units into tiers for the purposes of the
12 funding distribution system described in subsection (g) of
13 this Section. Initially, an Organizational Unit's
14 Preliminary Resources and Preliminary Percent of Adequacy
15 are calculated pursuant to paragraph (2) of this subsection
16 (f). Then, an Organizational Unit's Final Resources and
17 Final Percent of Adequacy are calculated to account for the
18 Organizational Unit's poverty concentration levels
19 pursuant to paragraphs (3) and (4) of this subsection (f).

20 (2) An Organizational Unit's Preliminary Resources are
21 equal to the sum of its Local Capacity Target, CPPRT, and
22 Base Funding Minimum. An Organizational Unit's Preliminary
23 Percent of Adequacy is the lesser of (i) its Preliminary
24 Resources divided by its Adequacy Target or (ii) 100%.

25 (3) Except for Specially Funded Units, an
26 Organizational Unit's Final Resources are equal the sum of

1 its Local Capacity, CPPRT, and Adjusted Base Funding
2 Minimum. The Base Funding Minimum of each Specially Funded
3 Unit shall serve as its Final Resources, except that the
4 Base Funding Minimum for State-approved charter schools
5 shall not include any portion of general State aid
6 allocated in the prior year based on the per capita tuition
7 charge times the charter school enrollment.

8 (4) An Organizational Unit's Final Percent of Adequacy
9 is its Final Resources divided by its Adequacy Target. An
10 Organizational Unit's Adjusted Base Funding Minimum is
11 equal to its Base Funding Minimum less its Supplemental
12 Grant Funding, with the resulting figure added to the
13 product of its Supplemental Grant Funding and Preliminary
14 Percent of Adequacy.

15 (g) Evidence-Based Funding formula distribution system.

16 (1) In each school year under the Evidence-Based
17 Funding formula, each Organizational Unit receives funding
18 equal to the sum of its Base Funding Minimum and the unit's
19 allocation of New State Funds determined pursuant to this
20 subsection (g). To allocate New State Funds, the
21 Evidence-Based Funding formula distribution system first
22 places all Organizational Units into one of 4 tiers in
23 accordance with paragraph (3) of this subsection (g), based
24 on the Organizational Unit's Final Percent of Adequacy. New
25 State Funds are allocated to each of the 4 tiers as
26 follows: Tier 1 Aggregate Funding equals 50% of all New

1 State Funds, Tier 2 Aggregate Funding equals 49% of all New
2 State Funds, Tier 3 Aggregate Funding equals 0.9% of all
3 New State Funds, and Tier 4 Aggregate Funding equals 0.1%
4 of all New State Funds. Each Organizational Unit within
5 Tier 1 or Tier 2 receives an allocation of New State Funds
6 equal to its tier Funding Gap, as defined in the following
7 sentence, multiplied by the tier's Allocation Rate
8 determined pursuant to paragraph (4) of this subsection
9 (g). For Tier 1, an Organizational Unit's Funding Gap
10 equals the tier's Target Ratio, as specified in paragraph
11 (5) of this subsection (g), multiplied by the
12 Organizational Unit's Adequacy Target, with the resulting
13 amount reduced by the Organizational Unit's Final
14 Resources. For Tier 2, an Organizational Unit's Funding Gap
15 equals the tier's Target Ratio, as described in paragraph
16 (5) of this subsection (g), multiplied by the
17 Organizational Unit's Adequacy Target, with the resulting
18 amount reduced by the Organizational Unit's Final
19 Resources and its Tier 1 funding allocation. To determine
20 the Organizational Unit's Funding Gap, the resulting
21 amount is then multiplied by a factor equal to one minus
22 the Organizational Unit's Local Capacity Target
23 percentage. Each Organizational Unit within Tier 3 or Tier
24 4 receives an allocation of New State Funds equal to the
25 product of its Adequacy Target and the tier's Allocation
26 Rate, as specified in paragraph (4) of this subsection (g).

1 (2) To ensure equitable distribution of dollars for all
2 Tier 2 Organizational Units, no Tier 2 Organizational Unit
3 shall receive fewer dollars per ASE than any Tier 3
4 Organizational Unit. Each Tier 2 and Tier 3 Organizational
5 Unit shall have its funding allocation divided by its ASE.
6 Any Tier 2 Organizational Unit with a funding allocation
7 per ASE below the greatest Tier 3 allocation per ASE shall
8 get a funding allocation equal to the greatest Tier 3
9 funding allocation per ASE multiplied by the
10 Organizational Unit's ASE. Each Tier 2 Organizational
11 Unit's Tier 2 funding allocation shall be multiplied by the
12 percentage calculated by dividing the original Tier 2
13 Aggregate Funding by the sum of all Tier 2 Organizational
14 Units' ~~Unit's~~ Tier 2 funding allocation after adjusting
15 districts' funding below Tier 3 levels.

16 (3) Organizational Units are placed into one of 4 tiers
17 as follows:

18 (A) Tier 1 consists of all Organizational Units,
19 except for Specially Funded Units, with a Percent of
20 Adequacy less than the Tier 1 Target Ratio. The Tier 1
21 Target Ratio is the ratio level that allows for Tier 1
22 Aggregate Funding to be distributed, with the Tier 1
23 Allocation Rate determined pursuant to paragraph (4)
24 of this subsection (g).

25 (B) Tier 2 consists of all Tier 1 Units and all
26 other Organizational Units, except for Specially

1 Funded Units, with a Percent of Adequacy of less than
2 0.90.

3 (C) Tier 3 consists of all Organizational Units,
4 except for Specially Funded Units, with a Percent of
5 Adequacy of at least 0.90 and less than 1.0.

6 (D) Tier 4 consists of all Organizational Units
7 with a Percent of Adequacy of at least 1.0.

8 (4) The Allocation Rates for Tiers 1 through 4 are ~~is~~
9 determined as follows:

10 (A) The Tier 1 Allocation Rate is 30%.

11 (B) The Tier 2 Allocation Rate is the result of the
12 following equation: Tier 2 Aggregate Funding, divided
13 by the sum of the Funding Gaps for all Tier 2
14 Organizational Units, unless the result of such
15 equation is higher than 1.0. If the result of such
16 equation is higher than 1.0, then the Tier 2 Allocation
17 Rate is 1.0.

18 (C) The Tier 3 Allocation Rate is the result of the
19 following equation: Tier 3 Aggregate Funding, divided
20 by the sum of the Adequacy Targets of all Tier 3
21 Organizational Units.

22 (D) The Tier 4 Allocation Rate is the result of the
23 following equation: Tier 4 Aggregate Funding, divided
24 by the sum of the Adequacy Targets of all Tier 4
25 Organizational Units.

26 (5) A tier's Target Ratio is determined as follows:

1 (A) The Tier 1 Target Ratio is the ratio level that
2 allows for Tier 1 Aggregate Funding to be distributed
3 with the Tier 1 Allocation Rate.

4 (B) The Tier 2 Target Ratio is 0.90.

5 (C) The Tier 3 Target Ratio is 1.0.

6 (6) If, at any point, the Tier 1 Target Ratio is
7 greater than 90%, than all Tier 1 funding shall be
8 allocated to Tier 2 and no Tier 1 Organizational Unit's
9 funding may be identified.

10 (7) In the event that all Tier 2 Organizational Units
11 receive funding at the Tier 2 Target Ratio level, any
12 remaining New State Funds shall be allocated to Tier 3 and
13 Tier 4 Organizational Units.

14 (8) If any Specially Funded Units, excluding Glenwood
15 Academy, recognized by the State Board do not qualify for
16 direct funding following the implementation of Public Act
17 100-465 ~~this amendatory Act of the 100th General Assembly~~
18 from any of the funding sources included within the
19 definition of Base Funding Minimum, the unqualified
20 portion of the Base Funding Minimum shall be transferred to
21 one or more appropriate Organizational Units as determined
22 by the State Superintendent based on the prior year ASE of
23 the Organizational Units.

24 (8.5) If a school district withdraws from a special
25 education cooperative, the portion of the Base Funding
26 Minimum that is attributable to the school district may be

1 redistributed to the school district upon withdrawal. The
2 school district and the cooperative must include the amount
3 of the Base Funding Minimum that is to be reapportioned
4 ~~re-apportioned~~ in their withdrawal agreement and notify
5 the State Board of the change with a copy of the agreement
6 upon withdrawal.

7 (9) The Minimum Funding Level is intended to establish
8 a target for State funding that will keep pace with
9 inflation and continue to advance equity through the
10 Evidence-Based Funding formula. The target for State
11 funding of New Property Tax Relief Pool Funds is
12 \$50,000,000 for State fiscal year 2019 and subsequent State
13 fiscal years. The Minimum Funding Level is equal to
14 \$350,000,000. In addition to any New State Funds, no more
15 than \$50,000,000 New Property Tax Relief Pool Funds may be
16 counted toward ~~towards~~ the Minimum Funding Level. If the
17 sum of New State Funds and applicable New Property Tax
18 Relief Pool Funds are less than the Minimum Funding Level,
19 than funding for tiers shall be reduced in the following
20 manner:

21 (A) First, Tier 4 funding shall be reduced by an
22 amount equal to the difference between the Minimum
23 Funding Level and New State Funds until such time as
24 Tier 4 funding is exhausted.

25 (B) Next, Tier 3 funding shall be reduced by an
26 amount equal to the difference between the Minimum

1 Funding Level and New State Funds and the reduction in
2 Tier 4 funding until such time as Tier 3 funding is
3 exhausted.

4 (C) Next, Tier 2 funding shall be reduced by an
5 amount equal to the difference between the Minimum
6 Funding Level ~~level~~ and New ~~new~~ State Funds and the
7 reduction in Tier 4 and Tier 3.

8 (D) Finally, Tier 1 funding shall be reduced by an
9 amount equal to the difference between the Minimum
10 Funding level and New State Funds and the reduction in
11 Tier 2, 3, and 4 funding. In addition, the Allocation
12 Rate for Tier 1 shall be reduced to a percentage equal
13 to the Tier 1 Allocation Rate ~~allocation rate~~ set by
14 paragraph (4) of this subsection (g), multiplied by the
15 result of New State Funds divided by the Minimum
16 Funding Level.

17 (9.5) For State fiscal year 2019 and subsequent State
18 fiscal years, if New State Funds exceed \$300,000,000, then
19 any amount in excess of \$300,000,000 shall be dedicated for
20 purposes of Section 2-3.170 of this Code up to a maximum of
21 \$50,000,000.

22 (10) In the event of a decrease in the amount of the
23 appropriation for this Section in any fiscal year after
24 implementation of this Section, the Organizational Units
25 receiving Tier 1 and Tier 2 funding, as determined under
26 paragraph (3) of this subsection (g), shall be held

1 harmless by establishing a Base Funding Guarantee equal to
2 the per pupil kindergarten through grade 12 funding
3 received in accordance with this Section in the prior
4 fiscal year. Reductions shall be made to the Base Funding
5 Minimum of Organizational Units in Tier 3 and Tier 4 on a
6 per pupil basis equivalent to the total number of the ASE
7 in Tier 3-funded and Tier 4-funded Organizational Units
8 divided by the total reduction in State funding. The Base
9 Funding Minimum as reduced shall continue to be applied to
10 Tier 3 and Tier 4 Organizational Units and adjusted by the
11 relative formula when increases in appropriations for this
12 Section resume. In no event may State funding reductions to
13 Organizational Units in Tier 3 or Tier 4 exceed an amount
14 that would be less than the Base Funding Minimum
15 established in the first year of implementation of this
16 Section. If additional reductions are required, all school
17 districts shall receive a reduction by a per pupil amount
18 equal to the aggregate additional appropriation reduction
19 divided by the total ASE of all Organizational Units.

20 (11) The State Superintendent shall make minor
21 adjustments to the distribution formula set forth in this
22 subsection (g) to account for the rounding of percentages
23 to the nearest tenth of a percentage and dollar amounts to
24 the nearest whole dollar.

25 (h) State Superintendent administration of funding and
26 district submission requirements.

1 (1) The State Superintendent shall, in accordance with
2 appropriations made by the General Assembly, meet the
3 funding obligations created under this Section.

4 (2) The State Superintendent shall calculate the
5 Adequacy Target for each Organizational Unit and Net State
6 Contribution Target for each Organizational Unit under
7 this Section. No Evidence-Based Funding shall be
8 distributed within an Organizational Unit without the
9 approval of the unit's school board.

10 (3) Annually, the State Superintendent shall calculate
11 and report to each Organizational Unit the unit's aggregate
12 financial adequacy amount, which shall be the sum of the
13 Adequacy Target for each Organizational Unit. The State
14 Superintendent shall calculate and report separately for
15 each Organizational Unit the unit's total State funds
16 allocated for its students with disabilities. The State
17 Superintendent shall calculate and report separately for
18 each Organizational Unit the amount of funding and
19 applicable FTE calculated for each Essential Element of the
20 unit's Adequacy Target.

21 (4) Annually, the State Superintendent shall calculate
22 and report to each Organizational Unit the amount the unit
23 must expend on special education and bilingual education
24 and computer technology and equipment for Organizational
25 Units assigned to Tier 1 or Tier 2 that received an
26 additional \$285.50 per student computer technology and

1 equipment investment grant to their Adequacy Target
2 pursuant to the unit's Base Funding Minimum, Special
3 Education Allocation, Bilingual Education Allocation, and
4 computer technology and equipment investment allocation.

5 (5) Moneys distributed under this Section shall be
6 calculated on a school year basis, but paid on a fiscal
7 year basis, with payments beginning in August and extending
8 through June. Unless otherwise provided, the moneys
9 appropriated for each fiscal year shall be distributed in
10 22 equal payments at least 2 times monthly to each
11 Organizational Unit. If moneys appropriated for any fiscal
12 year are distributed other than monthly, the distribution
13 shall be on the same basis for each Organizational Unit.

14 (6) Any school district that fails, for any given
15 school year, to maintain school as required by law or to
16 maintain a recognized school is not eligible to receive
17 Evidence-Based Funding. In case of non-recognition of one
18 or more attendance centers in a school district otherwise
19 operating recognized schools, the claim of the district
20 shall be reduced in the proportion that the enrollment in
21 the attendance center or centers bears to the enrollment of
22 the school district. "Recognized school" means any public
23 school that meets the standards for recognition by the
24 State Board. A school district or attendance center not
25 having recognition status at the end of a school term is
26 entitled to receive State aid payments due upon a legal

1 claim that was filed while it was recognized.

2 (7) School district claims filed under this Section are
3 subject to Sections 18-9 and 18-12 of this Code, except as
4 otherwise provided in this Section.

5 (8) Each fiscal year, the State Superintendent shall
6 calculate for each Organizational Unit an amount of its
7 Base Funding Minimum and Evidence-Based Funding that shall
8 be deemed attributable to the provision of special
9 educational facilities and services, as defined in Section
10 14-1.08 of this Code, in a manner that ensures compliance
11 with maintenance of State financial support requirements
12 under the federal Individuals with Disabilities Education
13 Act. An Organizational Unit must use such funds only for
14 the provision of special educational facilities and
15 services, as defined in Section 14-1.08 of this Code, and
16 must comply with any expenditure verification procedures
17 adopted by the State Board.

18 (9) All Organizational Units in this State must submit
19 annual spending plans by the end of September of each year
20 to the State Board as part of the annual budget process,
21 which shall describe how each Organizational Unit will
22 utilize the Base Funding Minimum ~~Funding~~ and
23 Evidence-Based Funding ~~funding~~ it receives from this State
24 under this Section with specific identification of the
25 intended utilization of Low-Income, English learner, and
26 special education resources. Additionally, the annual

1 spending plans of each Organizational Unit shall describe
2 how the Organizational Unit expects to achieve student
3 growth and how the Organizational Unit will achieve State
4 education goals, as defined by the State Board. The State
5 Superintendent may, from time to time, identify additional
6 requisites for Organizational Units to satisfy when
7 compiling the annual spending plans required under this
8 subsection (h). The format and scope of annual spending
9 plans shall be developed by the State Superintendent and
10 the State Board of Education. School districts that serve
11 students under Article 14C of this Code shall continue to
12 submit information as required under Section 14C-12 of this
13 Code.

14 (10) No later than January 1, 2018, the State
15 Superintendent shall develop a 5-year strategic plan for
16 all Organizational Units to help in planning for adequacy
17 funding under this Section. The State Superintendent shall
18 submit the plan to the Governor and the General Assembly,
19 as provided in Section 3.1 of the General Assembly
20 Organization Act. The plan shall include recommendations
21 for:

22 (A) a framework for collaborative, professional,
23 innovative, and 21st century learning environments
24 using the Evidence-Based Funding model;

25 (B) ways to prepare and support this State's
26 educators for successful instructional careers;

1 (C) application and enhancement of the current
2 financial accountability measures, the approved State
3 plan to comply with the federal Every Student Succeeds
4 Act, and the Illinois Balanced Accountability Measures
5 in relation to student growth and elements of the
6 Evidence-Based Funding model; and

7 (D) implementation of an effective school adequacy
8 funding system based on projected and recommended
9 funding levels from the General Assembly.

10 (11) On an annual basis, the State Superintendent must
11 recalibrate all of the following per pupil elements of the
12 Adequacy Target and applied to the formulas, based on the
13 study of average expenses and as reported in the most
14 recent annual financial report:

15 (A) Gifted under subparagraph (M) of paragraph (2)
16 of subsection (b).

17 (B) Instructional materials under subparagraph (O)
18 of paragraph (2) of subsection (b).

19 (C) Assessment under subparagraph (P) of paragraph
20 (2) of subsection (b).

21 (D) Student activities under subparagraph (R) of
22 paragraph (2) of subsection (b).

23 (E) Maintenance and operations under subparagraph
24 (S) of paragraph (2) of subsection (b).

25 (F) Central office under subparagraph (T) of
26 paragraph (2) of subsection (b).

1 (i) Professional Review Panel.

2 (1) A Professional Review Panel is created to study and
3 review topics related to the implementation and effect of
4 Evidence-Based Funding, as assigned by a joint resolution
5 or Public Act of the General Assembly or a motion passed by
6 the State Board of Education. The Panel must provide
7 recommendations to and serve the Governor, the General
8 Assembly, and the State Board. The State Superintendent or
9 his or her designee must serve as a voting member and
10 chairperson of the Panel. The State Superintendent must
11 appoint a vice chairperson from the membership of the
12 Panel. The Panel must advance recommendations based on a
13 three-fifths majority vote of Panel ~~panel~~ members present
14 and voting. A minority opinion may also accompany any
15 recommendation of the Panel. The Panel shall be appointed
16 by the State Superintendent, except as otherwise provided
17 in paragraph (2) of this subsection (i) and include the
18 following members:

19 (A) Two appointees that represent district
20 superintendents, recommended by a statewide
21 organization that represents district superintendents.

22 (B) Two appointees that represent school boards,
23 recommended by a statewide organization that
24 represents school boards.

25 (C) Two appointees from districts that represent
26 school business officials, recommended by a statewide

1 organization that represents school business
2 officials.

3 (D) Two appointees that represent school
4 principals, recommended by a statewide organization
5 that represents school principals.

6 (E) Two appointees that represent teachers,
7 recommended by a statewide organization that
8 represents teachers.

9 (F) Two appointees that represent teachers,
10 recommended by another statewide organization that
11 represents teachers.

12 (G) Two appointees that represent regional
13 superintendents of schools, recommended by
14 organizations that represent regional superintendents.

15 (H) Two independent experts selected solely by the
16 State Superintendent.

17 (I) Two independent experts recommended by public
18 universities in this State.

19 (J) One member recommended by a statewide
20 organization that represents parents.

21 (K) Two representatives recommended by collective
22 impact organizations that represent major metropolitan
23 areas or geographic areas in Illinois.

24 (L) One member from a statewide organization
25 focused on research-based education policy to support
26 a school system that prepares all students for college,

1 a career, and democratic citizenship.

2 (M) One representative from a school district
3 organized under Article 34 of this Code.

4 The State Superintendent shall ensure that the
5 membership of the Panel includes representatives from
6 school districts and communities reflecting the
7 geographic, socio-economic, racial, and ethnic diversity
8 of this State. The State Superintendent shall additionally
9 ensure that the membership of the Panel includes
10 representatives with expertise in bilingual education and
11 special education. Staff from the State Board shall staff
12 the Panel.

13 (2) In addition to those Panel members appointed by the
14 State Superintendent, 4 members of the General Assembly
15 shall be appointed as follows: one member of the House of
16 Representatives appointed by the Speaker of the House of
17 Representatives, one member of the Senate appointed by the
18 President of the Senate, one member of the House of
19 Representatives appointed by the Minority Leader of the
20 House of Representatives, and one member of the Senate
21 appointed by the Minority Leader of the Senate. There shall
22 be one additional member appointed by the Governor. All
23 members appointed by legislative leaders or the Governor
24 shall be non-voting, ex officio members.

25 (3) The Panel must study topics at the direction of the
26 General Assembly or State Board of Education, as provided

1 under paragraph (1). The Panel may also study the following
2 topics at the direction of the chairperson: ~~(4)~~

3 (A) The format and scope of annual spending plans
4 referenced in paragraph (9) of subsection (h) of this
5 Section.

6 (B) The Comparable Wage Index under this Section.

7 (C) Maintenance and operations, including capital
8 maintenance and construction costs.

9 (D) "At-risk student" definition.

10 (E) Benefits.

11 (F) Technology.

12 (G) Local Capacity Target.

13 (H) Funding for Alternative Schools, Laboratory
14 Schools, safe schools, and alternative learning
15 opportunities programs.

16 (I) Funding for college and career acceleration
17 strategies.

18 (J) Special education investments.

19 (K) Early childhood investments, in collaboration
20 with the Illinois Early Learning Council.

21 (4) (Blank).

22 (5) Within 5 years after the implementation of this
23 Section, and every 5 years thereafter, the Panel shall
24 complete an evaluative study of the entire Evidence-Based
25 Funding model, including an assessment of whether or not
26 the formula is achieving State goals. The Panel shall

1 report to the State Board, the General Assembly, and the
2 Governor on the findings of the study.

3 (6) (Blank).

4 (j) References. Beginning July 1, 2017, references in other
5 laws to general State aid funds or calculations under Section
6 18-8.05 of this Code (now repealed) shall be deemed to be
7 references to evidence-based model formula funds or
8 calculations under this Section.

9 (Source: P.A. 100-465, eff. 8-31-17; 100-578, eff. 1-31-18;
10 100-582, eff. 3-23-18; 101-10, eff. 6-5-19; 101-17, eff.
11 6-14-19; revised 7-1-19.)

12 (105 ILCS 5/21B-45)

13 Sec. 21B-45. Professional Educator License renewal.

14 (a) Individuals holding a Professional Educator License
15 are required to complete the licensure renewal requirements as
16 specified in this Section, unless otherwise provided in this
17 Code.

18 Individuals holding a Professional Educator License shall
19 meet the renewal requirements set forth in this Section, unless
20 otherwise provided in this Code. If an individual holds a
21 license endorsed in more than one area that has different
22 renewal requirements, that individual shall follow the renewal
23 requirements for the position for which he or she spends the
24 majority of his or her time working.

25 (b) All Professional Educator Licenses not renewed as

1 provided in this Section shall lapse on September 1 of that
2 year. Notwithstanding any other provisions of this Section, if
3 a license holder's electronic mail address is available, the
4 State Board of Education shall send him or her notification
5 electronically that his or her license will lapse if not
6 renewed, to be sent no more than 6 months prior to the license
7 lapsing. Lapsed licenses may be immediately reinstated upon (i)
8 payment by the applicant of a \$500 penalty to the State Board
9 of Education or (ii) the demonstration of proficiency by
10 completing 9 semester hours of coursework from a regionally
11 accredited institution of higher education in the content area
12 that most aligns with one or more of the educator's endorsement
13 areas. Any and all back fees, including without limitation
14 registration fees owed from the time of expiration of the
15 license until the date of reinstatement, shall be paid and kept
16 in accordance with the provisions in Article 3 of this Code
17 concerning an institute fund and the provisions in Article 21B
18 of this Code concerning fees and requirements for registration.
19 Licenses not registered in accordance with Section 21B-40 of
20 this Code shall lapse after a period of 6 months from the
21 expiration of the last year of registration or on January 1 of
22 the fiscal year following initial issuance of the license. An
23 unregistered license is invalid after September 1 for
24 employment and performance of services in an Illinois public or
25 State-operated school or cooperative and in a charter school.
26 Any license or endorsement may be voluntarily surrendered by

1 the license holder. A voluntarily surrendered license shall be
2 treated as a revoked license. An Educator License with
3 Stipulations with only a paraprofessional endorsement does not
4 lapse.

5 (c) From July 1, 2013 through June 30, 2014, in order to
6 satisfy the requirements for licensure renewal provided for in
7 this Section, each professional educator licensee with an
8 administrative endorsement who is working in a position
9 requiring such endorsement shall complete one Illinois
10 Administrators' Academy course, as described in Article 2 of
11 this Code, per fiscal year.

12 (d) Beginning July 1, 2014, in order to satisfy the
13 requirements for licensure renewal provided for in this
14 Section, each professional educator licensee may create a
15 professional development plan each year. The plan shall address
16 one or more of the endorsements that are required of his or her
17 educator position if the licensee is employed and performing
18 services in an Illinois public or State-operated school or
19 cooperative. If the licensee is employed in a charter school,
20 the plan shall address that endorsement or those endorsements
21 most closely related to his or her educator position. Licensees
22 employed and performing services in any other Illinois schools
23 may participate in the renewal requirements by adhering to the
24 same process.

25 Except as otherwise provided in this Section, the
26 licensee's professional development activities shall align

1 with one or more of the following criteria:

2 (1) activities are of a type that engage participants
3 over a sustained period of time allowing for analysis,
4 discovery, and application as they relate to student
5 learning, social or emotional achievement, or well-being;

6 (2) professional development aligns to the licensee's
7 performance;

8 (3) outcomes for the activities must relate to student
9 growth or district improvement;

10 (4) activities align to State-approved standards; and

11 (5) higher education coursework.

12 (e) For each renewal cycle, each professional educator
13 licensee shall engage in professional development activities.
14 Prior to renewal, the licensee shall enter electronically into
15 the Educator Licensure Information System (ELIS) the name,
16 date, and location of the activity, the number of professional
17 development hours, and the provider's name. The following
18 provisions shall apply concerning professional development
19 activities:

20 (1) Each licensee shall complete a total of 120 hours
21 of professional development per 5-year renewal cycle in
22 order to renew the license, except as otherwise provided in
23 this Section.

24 (2) Beginning with his or her first full 5-year cycle,
25 any licensee with an administrative endorsement who is not
26 working in a position requiring such endorsement is not

1 required to complete Illinois Administrators' Academy
2 courses, as described in Article 2 of this Code. Such
3 licensees must complete one Illinois Administrators'
4 Academy course within one year after returning to a
5 position that requires the administrative endorsement.

6 (3) Any licensee with an administrative endorsement
7 who is working in a position requiring such endorsement or
8 an individual with a Teacher Leader endorsement serving in
9 an administrative capacity at least 50% of the day shall
10 complete one Illinois Administrators' Academy course, as
11 described in Article 2 of this Code, each fiscal year in
12 addition to 100 hours of professional development per
13 5-year renewal cycle in accordance with this Code.

14 (4) Any licensee holding a current National Board for
15 Professional Teaching Standards (NBPTS) master teacher
16 designation shall complete a total of 60 hours of
17 professional development per 5-year renewal cycle in order
18 to renew the license.

19 (5) Licensees working in a position that does not
20 require educator licensure or working in a position for
21 less than 50% for any particular year are considered to be
22 exempt and shall be required to pay only the registration
23 fee in order to renew and maintain the validity of the
24 license.

25 (6) Licensees who are retired and qualify for benefits
26 from a State of Illinois retirement system shall notify the

1 State Board of Education using ELIS, and the license shall
2 be maintained in retired status. For any renewal cycle in
3 which a licensee retires during the renewal cycle, the
4 licensee must complete professional development activities
5 on a prorated basis depending on the number of years during
6 the renewal cycle the educator held an active license. If a
7 licensee retires during a renewal cycle, the licensee must
8 notify the State Board of Education using ELIS that the
9 licensee wishes to maintain the license in retired status
10 and must show proof of completion of professional
11 development activities on a prorated basis for all years of
12 that renewal cycle for which the license was active. An
13 individual with a license in retired status shall not be
14 required to complete professional development activities
15 or pay registration fees until returning to a position that
16 requires educator licensure. Upon returning to work in a
17 position that requires the Professional Educator License,
18 the licensee shall immediately pay a registration fee and
19 complete renewal requirements for that year. A license in
20 retired status cannot lapse. Beginning on January 6, 2017
21 (the effective date of Public Act 99-920) through December
22 31, 2017, any licensee who has retired and whose license
23 has lapsed for failure to renew as provided in this Section
24 may reinstate that license and maintain it in retired
25 status upon providing proof to the State Board of Education
26 using ELIS that the licensee is retired and is not working

1 in a position that requires a Professional Educator
2 License.

3 (7) For any renewal cycle in which professional
4 development hours were required, but not fulfilled, the
5 licensee shall complete any missed hours to total the
6 minimum professional development hours required in this
7 Section prior to September 1 of that year. Professional
8 development hours used to fulfill the minimum required
9 hours for a renewal cycle may be used for only one renewal
10 cycle. For any fiscal year or renewal cycle in which an
11 Illinois Administrators' Academy course was required but
12 not completed, the licensee shall complete any missed
13 Illinois Administrators' Academy courses prior to
14 September 1 of that year. The licensee may complete all
15 deficient hours and Illinois Administrators' Academy
16 courses while continuing to work in a position that
17 requires that license until September 1 of that year.

18 (8) Any licensee who has not fulfilled the professional
19 development renewal requirements set forth in this Section
20 at the end of any 5-year renewal cycle is ineligible to
21 register his or her license and may submit an appeal to the
22 State Superintendent of Education for reinstatement of the
23 license.

24 (9) If professional development opportunities were
25 unavailable to a licensee, proof that opportunities were
26 unavailable and request for an extension of time beyond

1 August 31 to complete the renewal requirements may be
2 submitted from April 1 through June 30 of that year to the
3 State Educator Preparation and Licensure Board. If an
4 extension is approved, the license shall remain valid
5 during the extension period.

6 (10) Individuals who hold exempt licenses prior to
7 December 27, 2013 (the effective date of Public Act 98-610)
8 shall commence the annual renewal process with the first
9 scheduled registration due after December 27, 2013 (the
10 effective date of Public Act 98-610).

11 (11) Notwithstanding any other provision of this
12 subsection (e), if a licensee earns more than the required
13 number of professional development hours during a renewal
14 cycle, then the licensee may carry over any hours earned
15 from April 1 through June 30 of the last year of the
16 renewal cycle. Any hours carried over in this manner must
17 be applied to the next renewal cycle. Illinois
18 Administrators' Academy courses or hours earned in those
19 courses may not be carried over.

20 (f) At the time of renewal, each licensee shall respond to
21 the required questions under penalty of perjury.

22 (f-5) The State Board of Education shall conduct random
23 audits of licensees to verify a licensee's fulfillment of the
24 professional development hours required under this Section.
25 Upon completion of a random audit, if it is determined by the
26 State Board of Education that the licensee did not complete the

1 required number of professional development hours or did not
2 provide sufficient proof of completion, the licensee shall be
3 notified that his or her license has lapsed. A license that has
4 lapsed under this subsection may be reinstated as provided in
5 subsection (b).

6 (g) The following entities shall be designated as approved
7 to provide professional development activities for the renewal
8 of Professional Educator Licenses:

9 (1) The State Board of Education.

10 (2) Regional offices of education and intermediate
11 service centers.

12 (3) Illinois professional associations representing
13 the following groups that are approved by the State
14 Superintendent of Education:

15 (A) school administrators;

16 (B) principals;

17 (C) school business officials;

18 (D) teachers, including special education
19 teachers;

20 (E) school boards;

21 (F) school districts;

22 (G) parents; and

23 (H) school service personnel.

24 (4) Regionally accredited institutions of higher
25 education that offer Illinois-approved educator
26 preparation programs and public community colleges subject

1 to the Public Community College Act.

2 (5) Illinois public school districts, charter schools
3 authorized under Article 27A of this Code, and joint
4 educational programs authorized under Article 10 of this
5 Code for the purposes of providing career and technical
6 education or special education services.

7 (6) A not-for-profit organization that, as of December
8 31, 2014 (the effective date of Public Act 98-1147), has
9 had or has a grant from or a contract with the State Board
10 of Education to provide professional development services
11 in the area of English Learning to Illinois school
12 districts, teachers, or administrators.

13 (7) State agencies, State boards, and State
14 commissions.

15 (8) Museums as defined in Section 10 of the Museum
16 Disposition of Property Act.

17 (h) Approved providers under subsection (g) of this Section
18 shall make available professional development opportunities
19 that satisfy at least one of the following:

20 (1) increase the knowledge and skills of school and
21 district leaders who guide continuous professional
22 development;

23 (2) improve the learning of students;

24 (3) organize adults into learning communities whose
25 goals are aligned with those of the school and district;

26 (4) deepen educator's content knowledge;

1 (5) provide educators with research-based
2 instructional strategies to assist students in meeting
3 rigorous academic standards;

4 (6) prepare educators to appropriately use various
5 types of classroom assessments;

6 (7) use learning strategies appropriate to the
7 intended goals;

8 (8) provide educators with the knowledge and skills to
9 collaborate;

10 (9) prepare educators to apply research to decision
11 making ~~decision-making~~; or

12 (10) provide educators with training on inclusive
13 practices in the classroom that examines instructional and
14 behavioral strategies that improve academic and
15 social-emotional outcomes for all students, with or
16 without disabilities, in a general education setting.

17 (i) Approved providers under subsection (g) of this Section
18 shall do the following:

19 (1) align professional development activities to the
20 State-approved national standards for professional
21 learning;

22 (2) meet the professional development criteria for
23 Illinois licensure renewal;

24 (3) produce a rationale for the activity that explains
25 how it aligns to State standards and identify the
26 assessment for determining the expected impact on student

1 learning or school improvement;

2 (4) maintain original documentation for completion of
3 activities;

4 (5) provide license holders with evidence of
5 completion of activities;

6 (6) request an Illinois Educator Identification Number
7 (IEIN) for each educator during each professional
8 development activity; and

9 (7) beginning on July 1, 2019, register annually with
10 the State Board of Education prior to offering any
11 professional development opportunities in the current
12 fiscal year.

13 (j) The State Board of Education shall conduct annual
14 audits of a subset of approved providers, except for school
15 districts, which shall be audited by regional offices of
16 education and intermediate service centers. The State Board of
17 Education shall ensure that each approved provider, except for
18 a school district, is audited at least once every 5 years. The
19 State Board of Education may conduct more frequent audits of
20 providers if evidence suggests the requirements of this Section
21 or administrative rules are not being met.

22 (1) (Blank).

23 (2) Approved providers shall comply with the
24 requirements in subsections (h) and (i) of this Section by
25 annually submitting data to the State Board of Education
26 demonstrating how the professional development activities

1 impacted one or more of the following:

2 (A) educator and student growth in regards to
3 content knowledge or skills, or both;

4 (B) educator and student social and emotional
5 growth; or

6 (C) alignment to district or school improvement
7 plans.

8 (3) The State Superintendent of Education shall review
9 the annual data collected by the State Board of Education,
10 regional offices of education, and intermediate service
11 centers in audits to determine if the approved provider has
12 met the criteria and should continue to be an approved
13 provider or if further action should be taken as provided
14 in rules.

15 (k) Registration fees shall be paid for the next renewal
16 cycle between April 1 and June 30 in the last year of each
17 5-year renewal cycle using ELIS. If all required professional
18 development hours for the renewal cycle have been completed and
19 entered by the licensee, the licensee shall pay the
20 registration fees for the next cycle using a form of credit or
21 debit card.

22 (l) Any professional educator licensee endorsed for school
23 support personnel who is employed and performing services in
24 Illinois public schools and who holds an active and current
25 professional license issued by the Department of Financial and
26 Professional Regulation or a national certification board, as

1 approved by the State Board of Education, related to the
2 endorsement areas on the Professional Educator License shall be
3 deemed to have satisfied the continuing professional
4 development requirements provided for in this Section. Such
5 individuals shall be required to pay only registration fees to
6 renew the Professional Educator License. An individual who does
7 not hold a license issued by the Department of Financial and
8 Professional Regulation shall complete professional
9 development requirements for the renewal of a Professional
10 Educator License provided for in this Section.

11 (m) Appeals to the State Educator Preparation and Licensure
12 Board must be made within 30 days after receipt of notice from
13 the State Superintendent of Education that a license will not
14 be renewed based upon failure to complete the requirements of
15 this Section. A licensee may appeal that decision to the State
16 Educator Preparation and Licensure Board in a manner prescribed
17 by rule.

18 (1) Each appeal shall state the reasons why the State
19 Superintendent's decision should be reversed and shall be
20 sent by certified mail, return receipt requested, to the
21 State Board of Education.

22 (2) The State Educator Preparation and Licensure Board
23 shall review each appeal regarding renewal of a license
24 within 90 days after receiving the appeal in order to
25 determine whether the licensee has met the requirements of
26 this Section. The State Educator Preparation and Licensure

1 Board may hold an appeal hearing or may make its
2 determination based upon the record of review, which shall
3 consist of the following:

4 (A) the regional superintendent of education's
5 rationale for recommending nonrenewal of the license,
6 if applicable;

7 (B) any evidence submitted to the State
8 Superintendent along with the individual's electronic
9 statement of assurance for renewal; and

10 (C) the State Superintendent's rationale for
11 nonrenewal of the license.

12 (3) The State Educator Preparation and Licensure Board
13 shall notify the licensee of its decision regarding license
14 renewal by certified mail, return receipt requested, no
15 later than 30 days after reaching a decision. Upon receipt
16 of notification of renewal, the licensee, using ELIS, shall
17 pay the applicable registration fee for the next cycle
18 using a form of credit or debit card.

19 (n) The State Board of Education may adopt rules as may be
20 necessary to implement this Section.

21 (Source: P.A. 100-13, eff. 7-1-17; 100-339, eff. 8-25-17;
22 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 101-85, eff.
23 1-1-20; 101-531, eff. 8-23-19; revised 9-19-19.)

24 (105 ILCS 5/21B-50)

25 Sec. 21B-50. Alternative Educator Licensure Program.

1 (a) There is established an alternative educator licensure
2 program, to be known as the Alternative Educator Licensure
3 Program for Teachers.

4 (b) The Alternative Educator Licensure Program for
5 Teachers may be offered by a recognized institution approved to
6 offer educator preparation programs by the State Board of
7 Education, in consultation with the State Educator Preparation
8 and Licensure Board.

9 The program shall be comprised of 4 phases:

10 (1) A course of study that at a minimum includes
11 instructional planning; instructional strategies,
12 including special education, reading, and English language
13 learning; classroom management; and the assessment of
14 students and use of data to drive instruction.

15 (2) A year of residency, which is a candidate's
16 assignment to a full-time teaching position or as a
17 co-teacher for one full school year. An individual must
18 hold an Educator License with Stipulations with an
19 alternative provisional educator endorsement in order to
20 enter the residency and must complete additional program
21 requirements that address required State and national
22 standards, pass the State Board's teacher performance
23 assessment before entering the second residency year, as
24 required under phase (3) of this subsection (b), and be
25 recommended by the principal or qualified equivalent of a
26 principal, as required under subsection (d) of this

1 Section, and the program coordinator to continue with the
2 second year of the residency.

3 (3) A second year of residency, which shall include the
4 candidate's assignment to a full-time teaching position
5 for one school year. The candidate must be assigned an
6 experienced teacher to act as a mentor and coach the
7 candidate through the second year of residency.

8 (4) A comprehensive assessment of the candidate's
9 teaching effectiveness, as evaluated by the principal or
10 qualified equivalent of a principal, as required under
11 subsection (d) of this Section, and the program
12 coordinator, at the end of the second year of residency. If
13 there is disagreement between the 2 evaluators about the
14 candidate's teaching effectiveness, the candidate may
15 complete one additional year of residency teaching under a
16 professional development plan developed by the principal
17 or qualified equivalent and the preparation program. At the
18 completion of the third year, a candidate must have
19 positive evaluations and a recommendation for full
20 licensure from both the principal or qualified equivalent
21 and the program coordinator or no Professional Educator
22 License shall be issued.

23 Successful completion of the program shall be deemed to
24 satisfy any other practice or student teaching and content
25 matter requirements established by law.

26 (c) An alternative provisional educator endorsement on an

1 Educator License with Stipulations is valid for 2 years of
2 teaching in the public schools, including without limitation a
3 preschool educational program under Section 2-3.71 of this Code
4 or charter school, or in a State-recognized nonpublic school in
5 which the chief administrator is required to have the licensure
6 necessary to be a principal in a public school in this State
7 and in which a majority of the teachers are required to have
8 the licensure necessary to be instructors in a public school in
9 this State, but may be renewed for a third year if needed to
10 complete the Alternative Educator Licensure Program for
11 Teachers. The endorsement shall be issued only once to an
12 individual who meets all of the following requirements:

13 (1) Has graduated from a regionally accredited college
14 or university with a bachelor's degree or higher.

15 (2) Has a cumulative grade point average of 3.0 or
16 greater on a 4.0 scale or its equivalent on another scale.

17 (3) Has completed a major in the content area if
18 seeking a middle or secondary level endorsement or, if
19 seeking an early childhood, elementary, or special
20 education endorsement, has completed a major in the content
21 area of reading, English/language arts, mathematics, or
22 one of the sciences. If the individual does not have a
23 major in a content area for any level of teaching, he or
24 she must submit transcripts to the State Board of Education
25 to be reviewed for equivalency.

26 (4) Has successfully completed phase (1) of subsection

1 (b) of this Section.

2 (5) Has passed a content area test required for the
3 specific endorsement for admission into the program, as
4 required under Section 21B-30 of this Code.

5 A candidate possessing the alternative provisional
6 educator endorsement may receive a salary, benefits, and any
7 other terms of employment offered to teachers in the school who
8 are members of an exclusive bargaining representative, if any,
9 but a school is not required to provide these benefits during
10 the years of residency if the candidate is serving only as a
11 co-teacher. If the candidate is serving as the teacher of
12 record, the candidate must receive a salary, benefits, and any
13 other terms of employment. Residency experiences must not be
14 counted towards tenure.

15 (d) The recognized institution offering the Alternative
16 Educator Licensure Program for Teachers must partner with a
17 school district, including without limitation a preschool
18 educational program under Section 2-3.71 of this Code or
19 charter school, or a State-recognized, nonpublic school in this
20 State in which the chief administrator is required to have the
21 licensure necessary to be a principal in a public school in
22 this State and in which a majority of the teachers are required
23 to have the licensure necessary to be instructors in a public
24 school in this State. A recognized institution that partners
25 with a public school district administering a preschool
26 educational program under Section 2-3.71 of this Code must

1 require a principal to recommend or evaluate candidates in the
2 program. A recognized institution that partners with an
3 eligible entity administering a preschool educational program
4 under Section 2-3.71 of this Code and that is not a public
5 school district must require a principal or qualified
6 equivalent of a principal to recommend or evaluate candidates
7 in the program. The program presented for approval by the State
8 Board of Education must demonstrate the supports that are to be
9 provided to assist the provisional teacher during the 2-year
10 residency period. These supports must provide additional
11 contact hours with mentors during the first year of residency.

12 (e) Upon completion of the 4 phases outlined in subsection
13 (b) of this Section and all assessments required under Section
14 21B-30 of this Code, an individual shall receive a Professional
15 Educator License.

16 (f) The State Board of Education, in consultation with the
17 State Educator Preparation and Licensure Board, may adopt such
18 rules as may be necessary to establish and implement the
19 Alternative Educator Licensure Program for Teachers.

20 (Source: P.A. 100-596, eff. 7-1-18; 100-822, eff. 1-1-19;
21 101-220, eff. 8-7-19; 101-570, eff. 8-23-19; revised 9-19-19.)

22 (105 ILCS 5/22-33)

23 Sec. 22-33. Medical cannabis.

24 (a) This Section may be referred to as Ashley's Law.

25 (a-5) In this Section:

1 "Designated caregiver", "medical cannabis infused
2 product", "qualifying patient", and "registered" have the
3 meanings given to those terms under Section 10 of the
4 Compassionate Use of Medical Cannabis Program Act.

5 "Self-administration" means a student's discretionary use
6 of his or her medical cannabis infused product.

7 (b) Subject to the restrictions under subsections (c)
8 through (g) of this Section, a school district, public school,
9 charter school, or nonpublic school shall authorize a parent or
10 guardian or any other individual registered with the Department
11 of Public Health as a designated caregiver of a student who is
12 a registered qualifying patient to administer a medical
13 cannabis infused product to the student on the premises of the
14 child's school or on the child's school bus if both the student
15 (as a registered qualifying patient) and the parent or guardian
16 or other individual (as a registered designated caregiver) have
17 been issued registry identification cards under the
18 Compassionate Use of Medical Cannabis Program Act. After
19 administering the product, the parent or guardian or other
20 individual shall remove the product from the school premises or
21 the school bus.

22 (b-5) Notwithstanding subsection (b) and subject to the
23 restrictions under subsections (c) through (g), a school
24 district, public school, charter school, or nonpublic school
25 must allow a school nurse or school administrator to administer
26 a medical cannabis infused product to a student who is a

1 registered qualifying patient (i) while on school premises,
2 (ii) while at a school-sponsored activity, or (iii) before or
3 after normal school activities, including while the student is
4 in before-school or after-school care on school-operated
5 property or while the student is being transported on a school
6 bus. A school district, public school, charter school, or
7 nonpublic school may authorize the self-administration of a
8 medical cannabis infused product by a student who is a
9 registered qualifying patient if the self-administration takes
10 place under the direct supervision of a school nurse or school
11 administrator.

12 Before allowing the administration of a medical cannabis
13 infused product by a school nurse or school administrator or a
14 student's self-administration of a medical cannabis infused
15 product under the supervision of a school nurse or school
16 administrator under this subsection, the parent or guardian of
17 a student who is the registered qualifying patient must provide
18 written authorization for its use, along with a copy of the
19 registry identification card of the student (as a registered
20 qualifying patient) and the parent or guardian (as a registered
21 designated caregiver). The written authorization must specify
22 the times at which ~~where~~ or the special circumstances under
23 which the medical cannabis infused product must be
24 administered. The written authorization and a copy of the
25 registry identification cards must be kept on file in the
26 office of the school nurse. The authorization for a student to

1 self-administer medical cannabis infused products is effective
2 for the school year in which it is granted and must be renewed
3 each subsequent school year upon fulfillment of the
4 requirements of this Section.

5 (b-10) Medical cannabis infused products that are to be
6 administered under subsection (b-5) must be stored with the
7 school nurse at all times in a manner consistent with storage
8 of other student medication at the school and may be accessible
9 only by the school nurse or a school administrator.

10 (c) A parent or guardian or other individual may not
11 administer a medical cannabis infused product under this
12 Section in a manner that, in the opinion of the school district
13 or school, would create a disruption to the school's
14 educational environment or would cause exposure of the product
15 to other students.

16 (d) A school district or school may not discipline a
17 student who is administered a medical cannabis infused product
18 by a parent or guardian or other individual under this Section
19 or who self-administers a medical cannabis infused product
20 under the supervision of a school nurse or school administrator
21 under this Section and may not deny the student's eligibility
22 to attend school solely because the student requires the
23 administration of the product.

24 (e) Nothing in this Section requires a member of a school's
25 staff to administer a medical cannabis infused product to a
26 student.

1 (f) A school district, public school, charter school, or
2 nonpublic school may not authorize the use of a medical
3 cannabis infused product under this Section if the school
4 district or school would lose federal funding as a result of
5 the authorization.

6 (f-5) The State Board of Education, in consultation with
7 the Department of Public Health, must develop a training
8 curriculum for school nurses and school administrators on the
9 administration of medical cannabis infused products. Prior to
10 the administration of a medical cannabis infused product under
11 subsection (b-5), a school nurse or school administrator must
12 annually complete the training curriculum developed under this
13 subsection and must submit to the school's administration proof
14 of its completion. A school district, public school, charter
15 school, or nonpublic school must maintain records related to
16 the training curriculum and of the school nurses or school
17 administrators who have completed the training.

18 (g) A school district, public school, charter school, or
19 nonpublic school shall adopt a policy to implement this
20 Section.

21 (Source: P.A. 100-660, eff. 8-1-18; 101-363, eff. 8-9-19;
22 101-370, eff. 1-1-20; revised 10-7-19.)

23 (105 ILCS 5/22-85)

24 Sec. 22-85. Sexual abuse at schools.

25 (a) The General Assembly finds that:

1 (1) investigation of a child regarding an incident of
2 sexual abuse can induce significant trauma for the child;

3 (2) it is desirable to prevent multiple interviews of a
4 child at a school; and

5 (3) it is important to recognize the role of Children's
6 Advocacy Centers in conducting developmentally appropriate
7 investigations.

8 (b) In this Section:

9 "Alleged incident of sexual abuse" is limited to an
10 incident of sexual abuse of a child that is alleged to have
11 been perpetrated by school personnel, including a school vendor
12 or volunteer, that occurred (i) on school grounds or during a
13 school activity or (ii) outside of school grounds or not during
14 a school activity.

15 "Appropriate law enforcement agency" means a law
16 enforcement agency whose employees have been involved, in some
17 capacity, with an investigation of a particular alleged
18 incident of sexual abuse.

19 (c) If a mandated reporter within a school has knowledge of
20 an alleged incident of sexual abuse, the reporter must call the
21 Department of Children and Family Services' hotline
22 established under Section 7.6 of the Abused and Neglected Child
23 Reporting Act immediately after obtaining the minimal
24 information necessary to make a report, including the names of
25 the affected parties and the allegations. The State Board of
26 Education must make available materials detailing the

1 information that is necessary to enable notification to the
2 Department of Children and Family Services of an alleged
3 incident of sexual abuse. Each school must ensure that mandated
4 reporters review the State Board of Education's materials and
5 materials developed by the Department of Children and Family
6 Services and distributed in the school building under Section 7
7 of the Abused and Neglected Child Reporting Act at least once
8 annually.

9 (d) For schools in a county with an accredited Children's
10 Advocacy Center, every alleged incident of sexual abuse that is
11 reported to the Department of Children and Family Services'
12 hotline or a law enforcement agency and is subsequently
13 accepted for investigation must be referred by the entity that
14 received the report to the local Children's Advocacy Center
15 pursuant to that county's multidisciplinary team's protocol
16 under the Children's Advocacy Center Act for investigating
17 child sexual abuse allegations.

18 (e) A county's local Children's Advocacy Center must, at a
19 minimum, do both of the following regarding a referred case of
20 an alleged incident of sexual abuse:

21 (1) Coordinate the investigation of the alleged
22 incident, as governed by the local Children's Advocacy
23 Center's existing multidisciplinary team protocol and
24 according to National Children's Alliance accreditation
25 standards.

26 (2) Facilitate communication between the

1 multidisciplinary team investigating the alleged incident
2 of sexual abuse and, if applicable, the referring school's
3 (i) Title IX officer, or his or her designee, (ii) school
4 resource officer, or (iii) personnel leading the school's
5 investigation into the alleged incident of sexual abuse. If
6 a school uses a designated entity to investigate a sexual
7 abuse allegation, the multidisciplinary team may
8 correspond only with that entity and any reference in this
9 Section to "school" refers to that designated entity. This
10 facilitation of communication must, at a minimum, ensure
11 that all applicable parties have each other's contact
12 information and must share the county's local Children's
13 Advocacy Center's protocol regarding the process of
14 approving the viewing of a forensic interview, as defined
15 under Section 2.5 of the Children's Advocacy Center Act, by
16 school personnel and a contact person for questions
17 relating to the protocol.

18 (f) After an alleged incident of sexual abuse is accepted
19 for investigation by the Department of Children and Family
20 Services or a law enforcement agency and while the criminal and
21 child abuse investigations related to that alleged incident are
22 being conducted by the local multidisciplinary team, the school
23 relevant to the alleged incident of sexual abuse must comply
24 with both of the following:

25 (1) It may not interview the alleged victim regarding
26 details of the alleged incident of sexual abuse until after

1 the completion of the forensic interview of that victim is
2 conducted at a Children's Advocacy Center. This paragraph
3 does not prohibit a school from requesting information from
4 the alleged victim or his or her parent or guardian to
5 ensure the safety and well-being of the alleged victim at
6 school during an investigation.

7 (2) If asked by a law enforcement agency or an
8 investigator of the Department of Children and Family
9 Services who is conducting the investigation, it must
10 inform those individuals of any evidence the school has
11 gathered pertaining to an alleged incident of sexual abuse,
12 as permissible by federal or State law.

13 (g) After completion of a forensic interview, the
14 multidisciplinary team must notify the school relevant to the
15 alleged incident of sexual abuse of its completion. If, for any
16 reason, a multidisciplinary team determines it will not conduct
17 a forensic interview in a specific investigation, the
18 multidisciplinary team must notify the school as soon as the
19 determination is made. If a forensic interview has not been
20 conducted within 15 calendar days after opening an
21 investigation, the school may notify the multidisciplinary
22 team that it intends to interview the alleged victim. No later
23 than 10 calendar days after this notification, the
24 multidisciplinary team may conduct the forensic interview and,
25 if the multidisciplinary team does not conduct the interview,
26 the school may proceed with its interview.

1 (h) To the greatest extent possible considering student
2 safety and Title IX compliance, school personnel may view the
3 electronic recordings of a forensic interview of an alleged
4 victim of an incident of sexual abuse. As a means to avoid
5 additional interviews of an alleged victim, school personnel
6 must be granted viewing access to the electronic recording of a
7 forensic interview conducted at an accredited Children's
8 Advocacy Center for an alleged incident of sexual abuse only if
9 the school receives (i) approval from the multidisciplinary
10 team investigating the case and (ii) informed consent by a
11 child over the age of 13 or the child's parent or guardian.
12 Each county's local Children's Advocacy Center and
13 multidisciplinary team must establish an internal protocol
14 regarding the process of approving the viewing of the forensic
15 interview, and this process and the contact person must be
16 shared with the school contact at the time of the initial
17 facilitation. Whenever possible, the school's viewing of the
18 electronic recording of a forensic interview should be
19 conducted in lieu of the need for additional interviews.

20 (i) For an alleged incident of sexual abuse that has been
21 accepted for investigation by a multidisciplinary team, if,
22 during the course of its internal investigation and at any
23 point during or after the multidisciplinary team's
24 investigation, the school determines that it needs to interview
25 the alleged victim to successfully complete its investigation
26 and the victim is under 18 years of age, a child advocate must

1 be made available to the student and may be present during the
2 school's interview. A child advocate may be a school social
3 worker, a school or equally qualified psychologist, or a person
4 in a position the State Board of Education has identified as an
5 appropriate advocate for the student during a school's
6 investigation into an alleged incident of sexual abuse.

7 (j) The Department of Children and Family Services must
8 notify the relevant school when an agency investigation of an
9 alleged incident of sexual abuse is complete. The notification
10 must include information on the outcome of that investigation.

11 (k) The appropriate law enforcement agency must notify the
12 relevant school when an agency investigation of an alleged
13 incident of sexual abuse is complete or has been suspended. The
14 notification must include information on the outcome of that
15 investigation.

16 (l) This Section applies to all schools operating under
17 this Code, including, but not limited to, public schools
18 located in cities having a population of more than 500,000, a
19 school operated pursuant to an agreement with a public school
20 district, alternative schools operated by third parties, an
21 alternative learning opportunities program, a public school
22 administered by a local public agency or the Department of
23 Human Services, charter schools operating under the authority
24 of Article 27A, and non-public schools recognized by the State
25 Board of Education.

26 (Source: P.A. 101-531, eff. 8-23-19.)

1 (105 ILCS 5/22-87)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 22-87 ~~22-85~~. Graduation requirements; Free
5 Application for Federal Student Aid.

6 (a) Beginning with the 2020-2021 school year, in addition
7 to any other requirements under this Code, as a prerequisite to
8 receiving a high school diploma from a public high school, the
9 parent or guardian of each student or, if a student is at least
10 18 years of age or legally emancipated, the student must comply
11 with either of the following:

12 (1) File a Free Application for Federal Student Aid
13 with the United States Department of Education or, if
14 applicable, an application for State financial aid.

15 (2) On a form created by the State Board of Education,
16 file a waiver with the student's school district indicating
17 that the parent or guardian or, if applicable, the student
18 understands what the Free Application for Federal Student
19 Aid and application for State financial aid are and has
20 chosen not to file an application under paragraph (1).

21 (b) Each school district with a high school must require
22 each high school student to comply with this Section and must
23 provide to each high school student and, if applicable, his or
24 her parent or guardian any support or assistance necessary to
25 comply with this Section. A school district must award a high

1 school diploma to a student who is unable to meet the
2 requirements of subsection (a) due to extenuating
3 circumstances, as determined by the school district, if (i) the
4 student has met all other graduation requirements under this
5 Code and (ii) the principal attests that the school district
6 has made a good faith effort to assist the student or, if
7 applicable, his or her parent or guardian in filing an
8 application or a waiver under subsection (a).

9 (c) The State Board of Education may adopt rules to
10 implement this Section.

11 (Source: P.A. 101-180, eff. 6-1-20; revised 10-21-19.)

12 (105 ILCS 5/22-88)

13 Sec. 22-88 ~~22-85~~. Parental notification of law enforcement
14 detainment and questioning on school grounds.

15 (a) In this Section, "school grounds" means the real
16 property comprising an active and operational elementary or
17 secondary school during the regular hours in which school is in
18 session and when students are present.

19 (b) Before detaining and questioning a student on school
20 grounds who is under 18 years of age and who is suspected of
21 committing a criminal act, a law enforcement officer, school
22 resource officer, or other school security personnel must do
23 all of the following:

24 (1) Ensure that notification or attempted notification
25 of the student's parent or guardian is made.

1 (2) Document the time and manner in which the
2 notification or attempted notification under paragraph (1)
3 occurred.

4 (3) Make reasonable efforts to ensure that the
5 student's parent or guardian is present during the
6 questioning or, if the parent or guardian is not present,
7 ensure that school personnel, including, but not limited
8 to, a school social worker, a school psychologist, a school
9 nurse, a school guidance counselor, or any other mental
10 health professional, are present during the questioning.

11 (4) If practicable, make reasonable efforts to ensure
12 that a law enforcement officer trained in promoting safe
13 interactions and communications with youth is present
14 during the questioning. An officer who received training in
15 youth investigations approved or certified by his or her
16 law enforcement agency or under Section 10.22 of the Police
17 Training Act or a juvenile police officer, as defined under
18 Section 1-3 of the Juvenile Court Act of 1987, satisfies
19 the requirement under this paragraph.

20 (c) This Section does not limit the authority of a law
21 enforcement officer to make an arrest on school grounds. This
22 Section does not apply to circumstances that would cause a
23 reasonable person to believe that urgent and immediate action
24 is necessary to do any of the following:

25 (1) Prevent bodily harm or injury to the student or any
26 other person.

- 1 (2) Apprehend an armed or fleeing suspect.
2 (3) Prevent the destruction of evidence.
3 (4) Address an emergency or other dangerous situation.
4 (Source: P.A. 101-478, eff. 8-23-19; revised 10-21-19.)

5 (105 ILCS 5/24-12) (from Ch. 122, par. 24-12)

6 Sec. 24-12. Removal or dismissal of teachers in contractual
7 continued service.

8 (a) This subsection (a) applies only to honorable
9 dismissals and recalls in which the notice of dismissal is
10 provided on or before the end of the 2010-2011 school term. If
11 a teacher in contractual continued service is removed or
12 dismissed as a result of a decision of the board to decrease
13 the number of teachers employed by the board or to discontinue
14 some particular type of teaching service, written notice shall
15 be mailed to the teacher and also given the teacher either by
16 certified mail, return receipt requested or personal delivery
17 with receipt at least 60 days before the end of the school
18 term, together with a statement of honorable dismissal and the
19 reason therefor, and in all such cases the board shall first
20 remove or dismiss all teachers who have not entered upon
21 contractual continued service before removing or dismissing
22 any teacher who has entered upon contractual continued service
23 and who is legally qualified to hold a position currently held
24 by a teacher who has not entered upon contractual continued
25 service.

1 As between teachers who have entered upon contractual
2 continued service, the teacher or teachers with the shorter
3 length of continuing service with the district shall be
4 dismissed first unless an alternative method of determining the
5 sequence of dismissal is established in a collective bargaining
6 agreement or contract between the board and a professional
7 faculty members' organization and except that this provision
8 shall not impair the operation of any affirmative action
9 program in the district, regardless of whether it exists by
10 operation of law or is conducted on a voluntary basis by the
11 board. Any teacher dismissed as a result of such decrease or
12 discontinuance shall be paid all earned compensation on or
13 before the third business day following the last day of pupil
14 attendance in the regular school term.

15 If the board has any vacancies for the following school
16 term or within one calendar year from the beginning of the
17 following school term, the positions thereby becoming
18 available shall be tendered to the teachers so removed or
19 dismissed so far as they are legally qualified to hold such
20 positions; provided, however, that if the number of honorable
21 dismissal notices based on economic necessity exceeds 15% of
22 the number of full-time equivalent positions filled by
23 certified employees (excluding principals and administrative
24 personnel) during the preceding school year, then if the board
25 has any vacancies for the following school term or within 2
26 calendar years from the beginning of the following school term,

1 the positions so becoming available shall be tendered to the
2 teachers who were so notified and removed or dismissed whenever
3 they are legally qualified to hold such positions. Each board
4 shall, in consultation with any exclusive employee
5 representatives, each year establish a list, categorized by
6 positions, showing the length of continuing service of each
7 teacher who is qualified to hold any such positions, unless an
8 alternative method of determining a sequence of dismissal is
9 established as provided for in this Section, in which case a
10 list shall be made in accordance with the alternative method.
11 Copies of the list shall be distributed to the exclusive
12 employee representative on or before February 1 of each year.
13 Whenever the number of honorable dismissal notices based upon
14 economic necessity exceeds 5, or 150% of the average number of
15 teachers honorably dismissed in the preceding 3 years,
16 whichever is more, then the board also shall hold a public
17 hearing on the question of the dismissals. Following the
18 hearing and board review, the action to approve any such
19 reduction shall require a majority vote of the board members.

20 (b) This subsection (b) applies only to honorable
21 dismissals and recalls in which the notice of dismissal is
22 provided during the 2011-2012 school term or a subsequent
23 school term. If any teacher, whether or not in contractual
24 continued service, is removed or dismissed as a result of a
25 decision of a school board to decrease the number of teachers
26 employed by the board, a decision of a school board to

1 discontinue some particular type of teaching service, or a
2 reduction in the number of programs or positions in a special
3 education joint agreement, then written notice must be mailed
4 to the teacher and also given to the teacher either by
5 certified mail, return receipt requested, or personal delivery
6 with receipt at least 45 days before the end of the school
7 term, together with a statement of honorable dismissal and the
8 reason therefor, and in all such cases the sequence of
9 dismissal shall occur in accordance with this subsection (b);
10 except that this subsection (b) shall not impair the operation
11 of any affirmative action program in the school district,
12 regardless of whether it exists by operation of law or is
13 conducted on a voluntary basis by the board.

14 Each teacher must be categorized into one or more positions
15 for which the teacher is qualified to hold, based upon legal
16 qualifications and any other qualifications established in a
17 district or joint agreement job description, on or before the
18 May 10 prior to the school year during which the sequence of
19 dismissal is determined. Within each position and subject to
20 agreements made by the joint committee on honorable dismissals
21 that are authorized by subsection (c) of this Section, the
22 school district or joint agreement must establish 4 groupings
23 of teachers qualified to hold the position as follows:

24 (1) Grouping one shall consist of each teacher who is
25 not in contractual continued service and who (i) has not
26 received a performance evaluation rating, (ii) is employed

1 for one school term or less to replace a teacher on leave,
2 or (iii) is employed on a part-time basis. "Part-time
3 basis" for the purposes of this subsection (b) means a
4 teacher who is employed to teach less than a full-day,
5 teacher workload or less than 5 days of the normal student
6 attendance week, unless otherwise provided for in a
7 collective bargaining agreement between the district and
8 the exclusive representative of the district's teachers.
9 For the purposes of this Section, a teacher (A) who is
10 employed as a full-time teacher but who actually teaches or
11 is otherwise present and participating in the district's
12 educational program for less than a school term or (B) who,
13 in the immediately previous school term, was employed on a
14 full-time basis and actually taught or was otherwise
15 present and participated in the district's educational
16 program for 120 days or more is not considered employed on
17 a part-time basis.

18 (2) Grouping 2 shall consist of each teacher with a
19 Needs Improvement or Unsatisfactory performance evaluation
20 rating on either of the teacher's last 2 performance
21 evaluation ratings.

22 (3) Grouping 3 shall consist of each teacher with a
23 performance evaluation rating of at least Satisfactory or
24 Proficient on both of the teacher's last 2 performance
25 evaluation ratings, if 2 ratings are available, or on the
26 teacher's last performance evaluation rating, if only one

1 rating is available, unless the teacher qualifies for
2 placement into grouping 4.

3 (4) Grouping 4 shall consist of each teacher whose last
4 2 performance evaluation ratings are Excellent and each
5 teacher with 2 Excellent performance evaluation ratings
6 out of the teacher's last 3 performance evaluation ratings
7 with a third rating of Satisfactory or Proficient.

8 Among teachers qualified to hold a position, teachers must
9 be dismissed in the order of their groupings, with teachers in
10 grouping one dismissed first and teachers in grouping 4
11 dismissed last.

12 Within grouping one, the sequence of dismissal must be at
13 the discretion of the school district or joint agreement.
14 Within grouping 2, the sequence of dismissal must be based upon
15 average performance evaluation ratings, with the teacher or
16 teachers with the lowest average performance evaluation rating
17 dismissed first. A teacher's average performance evaluation
18 rating must be calculated using the average of the teacher's
19 last 2 performance evaluation ratings, if 2 ratings are
20 available, or the teacher's last performance evaluation
21 rating, if only one rating is available, using the following
22 numerical values: 4 for Excellent; 3 for Proficient or
23 Satisfactory; 2 for Needs Improvement; and 1 for
24 Unsatisfactory. As between or among teachers in grouping 2 with
25 the same average performance evaluation rating and within each
26 of groupings 3 and 4, the teacher or teachers with the shorter

1 length of continuing service with the school district or joint
2 agreement must be dismissed first unless an alternative method
3 of determining the sequence of dismissal is established in a
4 collective bargaining agreement or contract between the board
5 and a professional faculty members' organization.

6 Each board, including the governing board of a joint
7 agreement, shall, in consultation with any exclusive employee
8 representatives, each year establish a sequence of honorable
9 dismissal list categorized by positions and the groupings
10 defined in this subsection (b). Copies of the list showing each
11 teacher by name and categorized by positions and the groupings
12 defined in this subsection (b) must be distributed to the
13 exclusive bargaining representative at least 75 days before the
14 end of the school term, provided that the school district or
15 joint agreement may, with notice to any exclusive employee
16 representatives, move teachers from grouping one into another
17 grouping during the period of time from 75 days until 45 days
18 before the end of the school term. Each year, each board shall
19 also establish, in consultation with any exclusive employee
20 representatives, a list showing the length of continuing
21 service of each teacher who is qualified to hold any such
22 positions, unless an alternative method of determining a
23 sequence of dismissal is established as provided for in this
24 Section, in which case a list must be made in accordance with
25 the alternative method. Copies of the list must be distributed
26 to the exclusive employee representative at least 75 days

1 before the end of the school term.

2 Any teacher dismissed as a result of such decrease or
3 discontinuance must be paid all earned compensation on or
4 before the third business day following the last day of pupil
5 attendance in the regular school term.

6 If the board or joint agreement has any vacancies for the
7 following school term or within one calendar year from the
8 beginning of the following school term, the positions thereby
9 becoming available must be tendered to the teachers so removed
10 or dismissed who were in grouping ~~groupings~~ 3 or 4 of the
11 sequence of dismissal and are qualified to hold the positions,
12 based upon legal qualifications and any other qualifications
13 established in a district or joint agreement job description,
14 on or before the May 10 prior to the date of the positions
15 becoming available, provided that if the number of honorable
16 dismissal notices based on economic necessity exceeds 15% of
17 the number of full-time equivalent positions filled by
18 certified employees (excluding principals and administrative
19 personnel) during the preceding school year, then the recall
20 period is for the following school term or within 2 calendar
21 years from the beginning of the following school term. If the
22 board or joint agreement has any vacancies within the period
23 from the beginning of the following school term through
24 February 1 of the following school term (unless a date later
25 than February 1, but no later than 6 months from the beginning
26 of the following school term, is established in a collective

1 bargaining agreement), the positions thereby becoming
2 available must be tendered to the teachers so removed or
3 dismissed who were in grouping 2 of the sequence of dismissal
4 due to one "needs improvement" rating on either of the
5 teacher's last 2 performance evaluation ratings, provided
6 that, if 2 ratings are available, the other performance
7 evaluation rating used for grouping purposes is
8 "satisfactory", "proficient", or "excellent", and are
9 qualified to hold the positions, based upon legal
10 qualifications and any other qualifications established in a
11 district or joint agreement job description, on or before the
12 May 10 prior to the date of the positions becoming available.
13 On and after July 1, 2014 (the effective date of Public Act
14 98-648), the preceding sentence shall apply to teachers removed
15 or dismissed by honorable dismissal, even if notice of
16 honorable dismissal occurred during the 2013-2014 school year.
17 Among teachers eligible for recall pursuant to the preceding
18 sentence, the order of recall must be in inverse order of
19 dismissal, unless an alternative order of recall is established
20 in a collective bargaining agreement or contract between the
21 board and a professional faculty members' organization.
22 Whenever the number of honorable dismissal notices based upon
23 economic necessity exceeds 5 notices or 150% of the average
24 number of teachers honorably dismissed in the preceding 3
25 years, whichever is more, then the school board or governing
26 board of a joint agreement, as applicable, shall also hold a

1 public hearing on the question of the dismissals. Following the
2 hearing and board review, the action to approve any such
3 reduction shall require a majority vote of the board members.

4 For purposes of this subsection (b), subject to agreement
5 on an alternative definition reached by the joint committee
6 described in subsection (c) of this Section, a teacher's
7 performance evaluation rating means the overall performance
8 evaluation rating resulting from an annual or biennial
9 performance evaluation conducted pursuant to Article 24A of
10 this Code by the school district or joint agreement determining
11 the sequence of dismissal, not including any performance
12 evaluation conducted during or at the end of a remediation
13 period. No more than one evaluation rating each school term
14 shall be one of the evaluation ratings used for the purpose of
15 determining the sequence of dismissal. Except as otherwise
16 provided in this subsection for any performance evaluations
17 conducted during or at the end of a remediation period, if
18 multiple performance evaluations are conducted in a school
19 term, only the rating from the last evaluation conducted prior
20 to establishing the sequence of honorable dismissal list in
21 such school term shall be the one evaluation rating from that
22 school term used for the purpose of determining the sequence of
23 dismissal. Averaging ratings from multiple evaluations is not
24 permitted unless otherwise agreed to in a collective bargaining
25 agreement or contract between the board and a professional
26 faculty members' organization. The preceding 3 sentences are

1 not a legislative declaration that existing law does or does
2 not already require that only one performance evaluation each
3 school term shall be used for the purpose of determining the
4 sequence of dismissal. For performance evaluation ratings
5 determined prior to September 1, 2012, any school district or
6 joint agreement with a performance evaluation rating system
7 that does not use either of the rating category systems
8 specified in subsection (d) of Section 24A-5 of this Code for
9 all teachers must establish a basis for assigning each teacher
10 a rating that complies with subsection (d) of Section 24A-5 of
11 this Code for all of the performance evaluation ratings that
12 are to be used to determine the sequence of dismissal. A
13 teacher's grouping and ranking on a sequence of honorable
14 dismissal shall be deemed a part of the teacher's performance
15 evaluation, and that information shall be disclosed to the
16 exclusive bargaining representative as part of a sequence of
17 honorable dismissal list, notwithstanding any laws prohibiting
18 disclosure of such information. A performance evaluation
19 rating may be used to determine the sequence of dismissal,
20 notwithstanding the pendency of any grievance resolution or
21 arbitration procedures relating to the performance evaluation.
22 If a teacher has received at least one performance evaluation
23 rating conducted by the school district or joint agreement
24 determining the sequence of dismissal and a subsequent
25 performance evaluation is not conducted in any school year in
26 which such evaluation is required to be conducted under Section

1 24A-5 of this Code, the teacher's performance evaluation rating
2 for that school year for purposes of determining the sequence
3 of dismissal is deemed Proficient. If a performance evaluation
4 rating is nullified as the result of an arbitration,
5 administrative agency, or court determination, then the school
6 district or joint agreement is deemed to have conducted a
7 performance evaluation for that school year, but the
8 performance evaluation rating may not be used in determining
9 the sequence of dismissal.

10 Nothing in this subsection (b) shall be construed as
11 limiting the right of a school board or governing board of a
12 joint agreement to dismiss a teacher not in contractual
13 continued service in accordance with Section 24-11 of this
14 Code.

15 Any provisions regarding the sequence of honorable
16 dismissals and recall of honorably dismissed teachers in a
17 collective bargaining agreement entered into on or before
18 January 1, 2011 and in effect on June 13, 2011 (the effective
19 date of Public Act 97-8) that may conflict with Public Act 97-8
20 shall remain in effect through the expiration of such agreement
21 or June 30, 2013, whichever is earlier.

22 (c) Each school district and special education joint
23 agreement must use a joint committee composed of equal
24 representation selected by the school board and its teachers
25 or, if applicable, the exclusive bargaining representative of
26 its teachers, to address the matters described in paragraphs

1 (1) through (5) of this subsection (c) pertaining to honorable
2 dismissals under subsection (b) of this Section.

3 (1) The joint committee must consider and may agree to
4 criteria for excluding from grouping 2 and placing into
5 grouping 3 a teacher whose last 2 performance evaluations
6 include a Needs Improvement and either a Proficient or
7 Excellent.

8 (2) The joint committee must consider and may agree to
9 an alternative definition for grouping 4, which definition
10 must take into account prior performance evaluation
11 ratings and may take into account other factors that relate
12 to the school district's or program's educational
13 objectives. An alternative definition for grouping 4 may
14 not permit the inclusion of a teacher in the grouping with
15 a Needs Improvement or Unsatisfactory performance
16 evaluation rating on either of the teacher's last 2
17 performance evaluation ratings.

18 (3) The joint committee may agree to including within
19 the definition of a performance evaluation rating a
20 performance evaluation rating administered by a school
21 district or joint agreement other than the school district
22 or joint agreement determining the sequence of dismissal.

23 (4) For each school district or joint agreement that
24 administers performance evaluation ratings that are
25 inconsistent with either of the rating category systems
26 specified in subsection (d) of Section 24A-5 of this Code,

1 the school district or joint agreement must consult with
2 the joint committee on the basis for assigning a rating
3 that complies with subsection (d) of Section 24A-5 of this
4 Code to each performance evaluation rating that will be
5 used in a sequence of dismissal.

6 (5) Upon request by a joint committee member submitted
7 to the employing board by no later than 10 days after the
8 distribution of the sequence of honorable dismissal list, a
9 representative of the employing board shall, within 5 days
10 after the request, provide to members of the joint
11 committee a list showing the most recent and prior
12 performance evaluation ratings of each teacher identified
13 only by length of continuing service in the district or
14 joint agreement and not by name. If, after review of this
15 list, a member of the joint committee has a good faith
16 belief that a disproportionate number of teachers with
17 greater length of continuing service with the district or
18 joint agreement have received a recent performance
19 evaluation rating lower than the prior rating, the member
20 may request that the joint committee review the list to
21 assess whether such a trend may exist. Following the joint
22 committee's review, but by no later than the end of the
23 applicable school term, the joint committee or any member
24 or members of the joint committee may submit a report of
25 the review to the employing board and exclusive bargaining
26 representative, if any. Nothing in this paragraph (5) shall

1 impact the order of honorable dismissal or a school
2 district's or joint agreement's authority to carry out a
3 dismissal in accordance with subsection (b) of this
4 Section.

5 Agreement by the joint committee as to a matter requires
6 the majority vote of all committee members, and if the joint
7 committee does not reach agreement on a matter, then the
8 otherwise applicable requirements of subsection (b) of this
9 Section shall apply. Except as explicitly set forth in this
10 subsection (c), a joint committee has no authority to agree to
11 any further modifications to the requirements for honorable
12 dismissals set forth in subsection (b) of this Section. The
13 joint committee must be established, and the first meeting of
14 the joint committee each school year must occur on or before
15 December 1.

16 The joint committee must reach agreement on a matter on or
17 before February 1 of a school year in order for the agreement
18 of the joint committee to apply to the sequence of dismissal
19 determined during that school year. Subject to the February 1
20 deadline for agreements, the agreement of a joint committee on
21 a matter shall apply to the sequence of dismissal until the
22 agreement is amended or terminated by the joint committee.

23 The provisions of the Open Meetings Act shall not apply to
24 meetings of a joint committee created under this subsection
25 (c).

26 (d) Notwithstanding anything to the contrary in this

1 subsection (d), the requirements and dismissal procedures of
2 Section 24-16.5 of this Code shall apply to any dismissal
3 sought under Section 24-16.5 of this Code.

4 (1) If a dismissal of a teacher in contractual
5 continued service is sought for any reason or cause other
6 than an honorable dismissal under subsections (a) or (b) of
7 this Section or a dismissal sought under Section 24-16.5 of
8 this Code, including those under Section 10-22.4, the board
9 must first approve a motion containing specific charges by
10 a majority vote of all its members. Written notice of such
11 charges, including a bill of particulars and the teacher's
12 right to request a hearing, must be mailed to the teacher
13 and also given to the teacher either by certified mail,
14 return receipt requested, or personal delivery with
15 receipt within 5 days of the adoption of the motion. Any
16 written notice sent on or after July 1, 2012 shall inform
17 the teacher of the right to request a hearing before a
18 mutually selected hearing officer, with the cost of the
19 hearing officer split equally between the teacher and the
20 board, or a hearing before a board-selected hearing
21 officer, with the cost of the hearing officer paid by the
22 board.

23 Before setting a hearing on charges stemming from
24 causes that are considered remediable, a board must give
25 the teacher reasonable warning in writing, stating
26 specifically the causes that, if not removed, may result in

1 charges; however, no such written warning is required if
2 the causes have been the subject of a remediation plan
3 pursuant to Article 24A of this Code.

4 If, in the opinion of the board, the interests of the
5 school require it, the board may suspend the teacher
6 without pay, pending the hearing, but if the board's
7 dismissal or removal is not sustained, the teacher shall
8 not suffer the loss of any salary or benefits by reason of
9 the suspension.

10 (2) No hearing upon the charges is required unless the
11 teacher within 17 days after receiving notice requests in
12 writing of the board that a hearing be scheduled before a
13 mutually selected hearing officer or a hearing officer
14 selected by the board. The secretary of the school board
15 shall forward a copy of the notice to the State Board of
16 Education.

17 (3) Within 5 business days after receiving a notice of
18 hearing in which either notice to the teacher was sent
19 before July 1, 2012 or, if the notice was sent on or after
20 July 1, 2012, the teacher has requested a hearing before a
21 mutually selected hearing officer, the State Board of
22 Education shall provide a list of 5 prospective, impartial
23 hearing officers from the master list of qualified,
24 impartial hearing officers maintained by the State Board of
25 Education. Each person on the master list must (i) be
26 accredited by a national arbitration organization and have

1 had a minimum of 5 years of experience directly related to
2 labor and employment relations matters between employers
3 and employees or their exclusive bargaining
4 representatives and (ii) beginning September 1, 2012, have
5 participated in training provided or approved by the State
6 Board of Education for teacher dismissal hearing officers
7 so that he or she is familiar with issues generally
8 involved in evaluative and non-evaluative dismissals.

9 If notice to the teacher was sent before July 1, 2012
10 or, if the notice was sent on or after July 1, 2012, the
11 teacher has requested a hearing before a mutually selected
12 hearing officer, the board and the teacher or their legal
13 representatives within 3 business days shall alternately
14 strike one name from the list provided by the State Board
15 of Education until only one name remains. Unless waived by
16 the teacher, the teacher shall have the right to proceed
17 first with the striking. Within 3 business days of receipt
18 of the list provided by the State Board of Education, the
19 board and the teacher or their legal representatives shall
20 each have the right to reject all prospective hearing
21 officers named on the list and notify the State Board of
22 Education of such rejection. Within 3 business days after
23 receiving this notification, the State Board of Education
24 shall appoint a qualified person from the master list who
25 did not appear on the list sent to the parties to serve as
26 the hearing officer, unless the parties notify it that they

1 have chosen to alternatively select a hearing officer under
2 paragraph (4) of this subsection (d).

3 If the teacher has requested a hearing before a hearing
4 officer selected by the board, the board shall select one
5 name from the master list of qualified impartial hearing
6 officers maintained by the State Board of Education within
7 3 business days after receipt and shall notify the State
8 Board of Education of its selection.

9 A hearing officer mutually selected by the parties,
10 selected by the board, or selected through an alternative
11 selection process under paragraph (4) of this subsection
12 (d) (A) must not be a resident of the school district, (B)
13 must be available to commence the hearing within 75 days
14 and conclude the hearing within 120 days after being
15 selected as the hearing officer, and (C) must issue a
16 decision as to whether the teacher must be dismissed and
17 give a copy of that decision to both the teacher and the
18 board within 30 days from the conclusion of the hearing or
19 closure of the record, whichever is later.

20 (4) In the alternative to selecting a hearing officer
21 from the list received from the State Board of Education or
22 accepting the appointment of a hearing officer by the State
23 Board of Education or if the State Board of Education
24 cannot provide a list or appoint a hearing officer that
25 meets the foregoing requirements, the board and the teacher
26 or their legal representatives may mutually agree to select

1 an impartial hearing officer who is not on the master list
2 either by direct appointment by the parties or by using
3 procedures for the appointment of an arbitrator
4 established by the Federal Mediation and Conciliation
5 Service or the American Arbitration Association. The
6 parties shall notify the State Board of Education of their
7 intent to select a hearing officer using an alternative
8 procedure within 3 business days of receipt of a list of
9 prospective hearing officers provided by the State Board of
10 Education, notice of appointment of a hearing officer by
11 the State Board of Education, or receipt of notice from the
12 State Board of Education that it cannot provide a list that
13 meets the foregoing requirements, whichever is later.

14 (5) If the notice of dismissal was sent to the teacher
15 before July 1, 2012, the fees and costs for the hearing
16 officer must be paid by the State Board of Education. If
17 the notice of dismissal was sent to the teacher on or after
18 July 1, 2012, the hearing officer's fees and costs must be
19 paid as follows in this paragraph (5). The fees and
20 permissible costs for the hearing officer must be
21 determined by the State Board of Education. If the board
22 and the teacher or their legal representatives mutually
23 agree to select an impartial hearing officer who is not on
24 a list received from the State Board of Education, they may
25 agree to supplement the fees determined by the State Board
26 to the hearing officer, at a rate consistent with the

1 hearing officer's published professional fees. If the
2 hearing officer is mutually selected by the parties, then
3 the board and the teacher or their legal representatives
4 shall each pay 50% of the fees and costs and any
5 supplemental allowance to which they agree. If the hearing
6 officer is selected by the board, then the board shall pay
7 100% of the hearing officer's fees and costs. The fees and
8 costs must be paid to the hearing officer within 14 days
9 after the board and the teacher or their legal
10 representatives receive the hearing officer's decision set
11 forth in paragraph (7) of this subsection (d).

12 (6) The teacher is required to answer the bill of
13 particulars and aver affirmative matters in his or her
14 defense, and the time for initially doing so and the time
15 for updating such answer and defenses after pre-hearing
16 discovery must be set by the hearing officer. The State
17 Board of Education shall promulgate rules so that each
18 party has a fair opportunity to present its case and to
19 ensure that the dismissal process proceeds in a fair and
20 expeditious manner. These rules shall address, without
21 limitation, discovery and hearing scheduling conferences;
22 the teacher's initial answer and affirmative defenses to
23 the bill of particulars and the updating of that
24 information after pre-hearing discovery; provision for
25 written interrogatories and requests for production of
26 documents; the requirement that each party initially

1 disclose to the other party and then update the disclosure
2 no later than 10 calendar days prior to the commencement of
3 the hearing, the names and addresses of persons who may be
4 called as witnesses at the hearing, a summary of the facts
5 or opinions each witness will testify to, and all other
6 documents and materials, including information maintained
7 electronically, relevant to its own as well as the other
8 party's case (the hearing officer may exclude witnesses and
9 exhibits not identified and shared, except those offered in
10 rebuttal for which the party could not reasonably have
11 anticipated prior to the hearing); pre-hearing discovery
12 and preparation, including provision for written
13 interrogatories and requests for production of documents,
14 provided that discovery depositions are prohibited; the
15 conduct of the hearing; the right of each party to be
16 represented by counsel, the offer of evidence and witnesses
17 and the cross-examination of witnesses; the authority of
18 the hearing officer to issue subpoenas and subpoenas duces
19 tecum, provided that the hearing officer may limit the
20 number of witnesses to be subpoenaed on behalf of each
21 party to no more than 7; the length of post-hearing briefs;
22 and the form, length, and content of hearing officers'
23 decisions. The hearing officer shall hold a hearing and
24 render a final decision for dismissal pursuant to Article
25 24A of this Code or shall report to the school board
26 findings of fact and a recommendation as to whether or not

1 the teacher must be dismissed for conduct. The hearing
2 officer shall commence the hearing within 75 days and
3 conclude the hearing within 120 days after being selected
4 as the hearing officer, provided that the hearing officer
5 may modify these timelines upon the showing of good cause
6 or mutual agreement of the parties. Good cause for the
7 purpose of this subsection (d) shall mean the illness or
8 otherwise unavoidable emergency of the teacher, district
9 representative, their legal representatives, the hearing
10 officer, or an essential witness as indicated in each
11 party's pre-hearing submission. In a dismissal hearing
12 pursuant to Article 24A of this Code in which a witness is
13 a student or is under the age of 18, the hearing officer
14 must make accommodations for the witness, as provided under
15 paragraph (6.5) of this subsection. The hearing officer
16 shall consider and give weight to all of the teacher's
17 evaluations written pursuant to Article 24A that are
18 relevant to the issues in the hearing.

19 Each party shall have no more than 3 days to present
20 its case, unless extended by the hearing officer to enable
21 a party to present adequate evidence and testimony,
22 including due to the other party's cross-examination of the
23 party's witnesses, for good cause or by mutual agreement of
24 the parties. The State Board of Education shall define in
25 rules the meaning of "day" for such purposes. All testimony
26 at the hearing shall be taken under oath administered by

1 the hearing officer. The hearing officer shall cause a
2 record of the proceedings to be kept and shall employ a
3 competent reporter to take stenographic or steno-type notes
4 of all the testimony. The costs of the reporter's
5 attendance and services at the hearing shall be paid by the
6 party or parties who are responsible for paying the fees
7 and costs of the hearing officer. Either party desiring a
8 transcript of the hearing shall pay for the cost thereof.
9 Any post-hearing briefs must be submitted by the parties by
10 no later than 21 days after a party's receipt of the
11 transcript of the hearing, unless extended by the hearing
12 officer for good cause or by mutual agreement of the
13 parties.

14 (6.5) In the case of charges involving sexual abuse or
15 severe physical abuse of a student or a person under the
16 age of 18, the hearing officer shall make alternative
17 hearing procedures to protect a witness who is a student or
18 who is under the age of 18 from being intimidated or
19 traumatized. Alternative hearing procedures may include,
20 but are not limited to: (i) testimony made via a
21 telecommunication device in a location other than the
22 hearing room and outside the physical presence of the
23 teacher and other hearing participants, (ii) testimony
24 outside the physical presence of the teacher, or (iii)
25 non-public testimony. During a testimony described under
26 this subsection, each party must be permitted to ask a

1 witness who is a student or who is under 18 years of age
2 all relevant questions and follow-up questions. All
3 questions must exclude evidence of the witness' sexual
4 behavior or predisposition, unless the evidence is offered
5 to prove that someone other than the teacher subject to the
6 dismissal hearing engaged in the charge at issue.

7 (7) The hearing officer shall, within 30 days from the
8 conclusion of the hearing or closure of the record,
9 whichever is later, make a decision as to whether or not
10 the teacher shall be dismissed pursuant to Article 24A of
11 this Code or report to the school board findings of fact
12 and a recommendation as to whether or not the teacher shall
13 be dismissed for cause and shall give a copy of the
14 decision or findings of fact and recommendation to both the
15 teacher and the school board. If a hearing officer fails
16 without good cause, specifically provided in writing to
17 both parties and the State Board of Education, to render a
18 decision or findings of fact and recommendation within 30
19 days after the hearing is concluded or the record is
20 closed, whichever is later, the parties may mutually agree
21 to select a hearing officer pursuant to the alternative
22 procedure, as provided in this Section, to rehear the
23 charges heard by the hearing officer who failed to render a
24 decision or findings of fact and recommendation or to
25 review the record and render a decision. If any hearing
26 officer fails without good cause, specifically provided in

1 writing to both parties and the State Board of Education,
2 to render a decision or findings of fact and recommendation
3 within 30 days after the hearing is concluded or the record
4 is closed, whichever is later, the hearing officer shall be
5 removed from the master list of hearing officers maintained
6 by the State Board of Education for not more than 24
7 months. The parties and the State Board of Education may
8 also take such other actions as it deems appropriate,
9 including recovering, reducing, or withholding any fees
10 paid or to be paid to the hearing officer. If any hearing
11 officer repeats such failure, he or she must be permanently
12 removed from the master list maintained by the State Board
13 of Education and may not be selected by parties through the
14 alternative selection process under this paragraph (7) or
15 paragraph (4) of this subsection (d). The board shall not
16 lose jurisdiction to discharge a teacher if the hearing
17 officer fails to render a decision or findings of fact and
18 recommendation within the time specified in this Section.
19 If the decision of the hearing officer for dismissal
20 pursuant to Article 24A of this Code or of the school board
21 for dismissal for cause is in favor of the teacher, then
22 the hearing officer or school board shall order
23 reinstatement to the same or substantially equivalent
24 position and shall determine the amount for which the
25 school board is liable, including, but not limited to, loss
26 of income and benefits.

1 (8) The school board, within 45 days after receipt of
2 the hearing officer's findings of fact and recommendation
3 as to whether (i) the conduct at issue occurred, (ii) the
4 conduct that did occur was remediable, and (iii) the
5 proposed dismissal should be sustained, shall issue a
6 written order as to whether the teacher must be retained or
7 dismissed for cause from its employ. The school board's
8 written order shall incorporate the hearing officer's
9 findings of fact, except that the school board may modify
10 or supplement the findings of fact if, in its opinion, the
11 findings of fact are against the manifest weight of the
12 evidence.

13 If the school board dismisses the teacher
14 notwithstanding the hearing officer's findings of fact and
15 recommendation, the school board shall make a conclusion in
16 its written order, giving its reasons therefor, and such
17 conclusion and reasons must be included in its written
18 order. The failure of the school board to strictly adhere
19 to the timelines contained in this Section shall not render
20 it without jurisdiction to dismiss the teacher. The school
21 board shall not lose jurisdiction to discharge the teacher
22 for cause if the hearing officer fails to render a
23 recommendation within the time specified in this Section.
24 The decision of the school board is final, unless reviewed
25 as provided in paragraph (9) of this subsection (d).

26 If the school board retains the teacher, the school

1 board shall enter a written order stating the amount of
2 back pay and lost benefits, less mitigation, to be paid to
3 the teacher, within 45 days after its retention order.
4 Should the teacher object to the amount of the back pay and
5 lost benefits or amount mitigated, the teacher shall give
6 written objections to the amount within 21 days. If the
7 parties fail to reach resolution within 7 days, the dispute
8 shall be referred to the hearing officer, who shall
9 consider the school board's written order and teacher's
10 written objection and determine the amount to which the
11 school board is liable. The costs of the hearing officer's
12 review and determination must be paid by the board.

13 (9) The decision of the hearing officer pursuant to
14 Article 24A of this Code or of the school board's decision
15 to dismiss for cause is final unless reviewed as provided
16 in Section 24-16 of this Code. If the school board's
17 decision to dismiss for cause is contrary to the hearing
18 officer's recommendation, the court on review shall give
19 consideration to the school board's decision and its
20 supplemental findings of fact, if applicable, and the
21 hearing officer's findings of fact and recommendation in
22 making its decision. In the event such review is
23 instituted, the school board shall be responsible for
24 preparing and filing the record of proceedings, and such
25 costs associated therewith must be divided equally between
26 the parties.

1 (10) If a decision of the hearing officer for dismissal
2 pursuant to Article 24A of this Code or of the school board
3 for dismissal for cause is adjudicated upon review or
4 appeal in favor of the teacher, then the trial court shall
5 order reinstatement and shall remand the matter to the
6 school board with direction for entry of an order setting
7 the amount of back pay, lost benefits, and costs, less
8 mitigation. The teacher may challenge the school board's
9 order setting the amount of back pay, lost benefits, and
10 costs, less mitigation, through an expedited arbitration
11 procedure, with the costs of the arbitrator borne by the
12 school board.

13 Any teacher who is reinstated by any hearing or
14 adjudication brought under this Section shall be assigned
15 by the board to a position substantially similar to the one
16 which that teacher held prior to that teacher's suspension
17 or dismissal.

18 (11) Subject to any later effective date referenced in
19 this Section for a specific aspect of the dismissal
20 process, the changes made by Public Act 97-8 shall apply to
21 dismissals instituted on or after September 1, 2011. Any
22 dismissal instituted prior to September 1, 2011 must be
23 carried out in accordance with the requirements of this
24 Section prior to amendment by Public Act 97-8.

25 (e) Nothing contained in Public Act 98-648 repeals,
26 supersedes, invalidates, or nullifies final decisions in

1 lawsuits pending on July 1, 2014 (the effective date of Public
2 Act 98-648) in Illinois courts involving the interpretation of
3 Public Act 97-8.

4 (Source: P.A. 100-768, eff. 1-1-19; 101-81, eff. 7-12-19;
5 101-531, eff. 8-23-19; revised 12-3-19.)

6 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

7 Sec. 24A-7. Rules. The State Board of Education is
8 authorized to adopt such rules as are deemed necessary to
9 implement and accomplish the purposes and provisions of this
10 Article, including, but not limited to, rules:

11 (1) ~~(i)~~ relating to the methods for measuring student
12 growth (including, but not limited to, limitations on the
13 age of usable ~~useable~~ data; the amount of data needed to
14 reliably and validly measure growth for the purpose of
15 teacher and principal evaluations; and whether and at what
16 time annual State assessments may be used as one of
17 multiple measures of student growth);

18 (2), ~~(ii)~~ defining the term "significant factor" for
19 purposes of including consideration of student growth in
20 performance ratings;

21 (3), ~~(iii)~~ controlling for such factors as student
22 characteristics (including, but not limited to, students
23 receiving special education and English ~~Language~~ Learner
24 services), student attendance, and student mobility so as
25 to best measure the impact that a teacher, principal,

1 school and school district has on students' academic
2 achievement;

3 (4), ~~(iv)~~ establishing minimum requirements for
4 district teacher and principal evaluation instruments and
5 procedures; ~~7~~ and

6 (5) ~~(v)~~ establishing a model evaluation plan for use by
7 school districts in which student growth shall comprise 50%
8 of the performance rating.

9 Notwithstanding any other provision in this Section, such
10 rules shall not preclude a school district having 500,000 or
11 more inhabitants from using an annual State assessment as the
12 sole measure of student growth for purposes of teacher or
13 principal evaluations.

14 The State Superintendent of Education shall convene a
15 Performance Evaluation Advisory Council, which shall be
16 staffed by the State Board of Education. Members of the Council
17 shall be selected by the State Superintendent and include,
18 without limitation, representatives of teacher unions and
19 school district management, persons with expertise in
20 performance evaluation processes and systems, as well as other
21 stakeholders. The Council shall meet at least quarterly ~~7~~ and
22 may also meet at the call of the chairperson of the Council,
23 following August 18, 2017 (the effective date of Public Act
24 100-211) ~~this amendatory Act of the 100th General Assembly~~
25 until June 30, 2021. The Council shall advise the State Board
26 of Education on the ongoing implementation of performance

1 evaluations in this State, which may include gathering public
2 feedback, sharing best practices, consulting with the State
3 Board on any proposed rule changes regarding evaluations, and
4 other subjects as determined by the chairperson of the Council.

5 Prior to the applicable implementation date, these rules
6 shall not apply to teachers assigned to schools identified in
7 an agreement entered into between the board of a school
8 district operating under Article 34 of this Code and the
9 exclusive representative of the district's teachers in
10 accordance with Section 34-85c of this Code.

11 (Source: P.A. 100-211, eff. 8-18-17; revised 7-15-19.)

12 (105 ILCS 5/27-21) (from Ch. 122, par. 27-21)

13 (Text of Section before amendment by P.A. 101-227)

14 Sec. 27-21. History of United States. History of the United
15 States shall be taught in all public schools and in all other
16 educational institutions in this State supported or
17 maintained, in whole or in part, by public funds. The teaching
18 of history shall have as one of its objectives the imparting to
19 pupils of a comprehensive idea of our democratic form of
20 government and the principles for which our government stands
21 as regards other nations, including the studying of the place
22 of our government in world-wide movements and the leaders
23 thereof, with particular stress upon the basic principles and
24 ideals of our representative form of government. The teaching
25 of history shall include a study of the role and contributions

1 of African Americans and other ethnic groups, including, but
2 not restricted to, Polish, Lithuanian, German, Hungarian,
3 Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak,
4 French, Scots, Hispanics, Asian Americans, etc., in the history
5 of this country and this State. To reinforce the study of the
6 role and contributions of Hispanics, such curriculum shall
7 include the study of the events related to the forceful removal
8 and illegal deportation of Mexican-American U.S. citizens
9 during the Great Depression. The teaching of history also shall
10 include a study of the role of labor unions and their
11 interaction with government in achieving the goals of a mixed
12 free enterprise system. Beginning with the 2020-2021 school
13 year, the teaching of history must also include instruction on
14 the history of Illinois. No pupils shall be graduated from the
15 eighth grade of any public school unless he has received such
16 instruction in the history of the United States and gives
17 evidence of having a comprehensive knowledge thereof.

18 (Source: P.A. 101-341, eff. 1-1-20; revised 9-19-19.)

19 (Text of Section after amendment by P.A. 101-227)

20 Sec. 27-21. History of United States. History of the United
21 States shall be taught in all public schools and in all other
22 educational institutions in this State supported or
23 maintained, in whole or in part, by public funds. The teaching
24 of history shall have as one of its objectives the imparting to
25 pupils of a comprehensive idea of our democratic form of

1 government and the principles for which our government stands
2 as regards other nations, including the studying of the place
3 of our government in world-wide movements and the leaders
4 thereof, with particular stress upon the basic principles and
5 ideals of our representative form of government. The teaching
6 of history shall include a study of the role and contributions
7 of African Americans and other ethnic groups, including, but
8 not restricted to, Polish, Lithuanian, German, Hungarian,
9 Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak,
10 French, Scots, Hispanics, Asian Americans, etc., in the history
11 of this country and this State. To reinforce the study of the
12 role and contributions of Hispanics, such curriculum shall
13 include the study of the events related to the forceful removal
14 and illegal deportation of Mexican-American U.S. citizens
15 during the Great Depression. In public schools only, the
16 teaching of history shall include a study of the roles and
17 contributions of lesbian, gay, bisexual, and transgender
18 people in the history of this country and this State. The
19 teaching of history also shall include a study of the role of
20 labor unions and their interaction with government in achieving
21 the goals of a mixed free enterprise system. Beginning with the
22 2020-2021 school year, the teaching of history must also
23 include instruction on the history of Illinois. No pupils shall
24 be graduated from the eighth grade of any public school unless
25 he or she has received such instruction in the history of the
26 United States and gives evidence of having a comprehensive

1 knowledge thereof.

2 (Source: P.A. 101-227, eff. 7-1-20; 101-341, eff. 1-1-20;
3 revised 9-19-19.)

4 (105 ILCS 5/27-23.13)

5 Sec. 27-23.13. Hunting safety. A school district may offer
6 its students a course on hunting safety as part of its
7 curriculum during the school day or as part of an after-school
8 program. The State Board of Education may prepare and make
9 available to school boards resources on hunting safety that may
10 be used as guidelines for the development of a course under
11 this Section.

12 (Source: P.A. 101-152, eff. 7-26-19.)

13 (105 ILCS 5/27-23.14)

14 Sec. 27-23.14 ~~27-23.13~~. Workplace preparation course. A
15 school district that maintains any of grades 9 through 12 may
16 include in its high school curriculum a unit of instruction on
17 workplace preparation that covers legal protections in the
18 workplace, including protection against sexual harassment and
19 racial and other forms of discrimination and other protections
20 for employees. A school board may determine the minimum amount
21 of instruction time that qualifies as a unit of instruction
22 under this Section.

23 (Source: P.A. 101-347, eff. 1-1-20; revised 9-25-19.)

1 (105 ILCS 5/27-24.1) (from Ch. 122, par. 27-24.1)
2 Sec. 27-24.1. Definitions. As used in the Driver Education
3 Act unless the context otherwise requires:

4 "State Board" means the State Board of Education.+

5 "Driver education course" and "course" means a course of
6 instruction in the use and operation of cars, including
7 instruction in the safe operation of cars and rules of the road
8 and the laws of this State relating to motor vehicles, which
9 meets the minimum requirements of this Act and the rules and
10 regulations issued thereunder by the State Board and has been
11 approved by the State Board as meeting such requirements.+

12 "Car" means a motor vehicle of the first division as
13 defined in the Illinois Vehicle Code.+

14 "Motorcycle" or "motor driven cycle" means such a vehicle
15 as defined in the Illinois Vehicle Code.+

16 "Driver's license" means any license or permit issued by
17 the Secretary of State under Chapter 6 of the Illinois Vehicle
18 Code.

19 "Distance learning program" means a program of study in
20 which all participating teachers and students do not physically
21 meet in the classroom and instead use the Internet, email, or
22 any other method other than the classroom to provide
23 instruction.

24 With reference to persons, the singular number includes the
25 plural and vice versa, and the masculine gender includes the
26 feminine.

1 (Source: P.A. 101-183, eff. 8-2-19; revised 9-26-19.)

2 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

3 Sec. 27-24.2. Safety education; driver education course.
4 Instruction shall be given in safety education in each of
5 grades one through 8, equivalent to one class period each week,
6 and any school district which maintains grades 9 through 12
7 shall offer a driver education course in any such school which
8 it operates. Its curriculum shall include content dealing with
9 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,
10 the rules adopted pursuant to those Chapters insofar as they
11 pertain to the operation of motor vehicles, and the portions of
12 the Litter Control Act relating to the operation of motor
13 vehicles. The course of instruction given in grades 10 through
14 12 shall include an emphasis on the development of knowledge,
15 attitudes, habits, and skills necessary for the safe operation
16 of motor vehicles, including motorcycles insofar as they can be
17 taught in the classroom, and instruction on distracted driving
18 as a major traffic safety issue. In addition, the course shall
19 include instruction on special hazards existing at and required
20 safety and driving precautions that must be observed at
21 emergency situations, highway construction and maintenance
22 zones, and railroad crossings and the approaches thereto.
23 Beginning with the 2017-2018 school year, the course shall also
24 include instruction concerning law enforcement procedures for
25 traffic stops, including a demonstration of the proper actions

1 to be taken during a traffic stop and appropriate interactions
2 with law enforcement. The course of instruction required of
3 each eligible student at the high school level shall consist of
4 a minimum of 30 clock hours of classroom instruction and a
5 minimum of 6 clock hours of individual behind-the-wheel
6 instruction in a dual control car on public roadways taught by
7 a driver education instructor endorsed by the State Board of
8 Education. A school district's decision to allow a student to
9 take a portion of the driver education course through a
10 distance learning program must be determined on a case-by-case
11 basis and must be approved by the school's administration,
12 including the student's driver education teacher, and the
13 student's parent or guardian. Under no circumstances may the
14 student take the entire driver education course through a
15 distance learning program. Both the classroom instruction part
16 and the practice driving part of a driver education course
17 shall be open to a resident or non-resident student attending a
18 non-public school in the district wherein the course is
19 offered. Each student attending any public or non-public high
20 school in the district must receive a passing grade in at least
21 8 courses during the previous 2 semesters prior to enrolling in
22 a driver education course, or the student shall not be
23 permitted to enroll in the course; provided that the local
24 superintendent of schools (with respect to a student attending
25 a public high school in the district) or chief school
26 administrator (with respect to a student attending a non-public

1 high school in the district) may waive the requirement if the
2 superintendent or chief school administrator, as the case may
3 be, deems it to be in the best interest of the student. A
4 student may be allowed to commence the classroom instruction
5 part of such driver education course prior to reaching age 15
6 if such student then will be eligible to complete the entire
7 course within 12 months after being allowed to commence such
8 classroom instruction.

9 A school district may offer a driver education course in a
10 school by contracting with a commercial driver training school
11 to provide both the classroom instruction part and the practice
12 driving part or either one without having to request a
13 modification or waiver of administrative rules of the State
14 Board of Education if the school district approves the action
15 during a public hearing on whether to enter into a contract
16 with a commercial driver training school. The public hearing
17 shall be held at a regular or special school board meeting
18 prior to entering into such a contract. If a school district
19 chooses to approve a contract with a commercial driver training
20 school, then the district must provide evidence to the State
21 Board of Education that the commercial driver training school
22 with which it will contract holds a license issued by the
23 Secretary of State under Article IV of Chapter 6 of the
24 Illinois Vehicle Code and that each instructor employed by the
25 commercial driver training school to provide instruction to
26 students served by the school district holds a valid teaching

1 license issued under the requirements of this Code and rules of
2 the State Board of Education. Such evidence must include, but
3 need not be limited to, a list of each instructor assigned to
4 teach students served by the school district, which list shall
5 include the instructor's name, personal identification number
6 as required by the State Board of Education, birth date, and
7 driver's license number. Once the contract is entered into, the
8 school district shall notify the State Board of Education of
9 any changes in the personnel providing instruction either (i)
10 within 15 calendar days after an instructor leaves the program
11 or (ii) before a new instructor is hired. Such notification
12 shall include the instructor's name, personal identification
13 number as required by the State Board of Education, birth date,
14 and driver's license number. If the school district maintains
15 an Internet website, then the district shall post a copy of the
16 final contract between the district and the commercial driver
17 training school on the district's Internet website. If no
18 Internet website exists, then the school district shall make
19 available the contract upon request. A record of all materials
20 in relation to the contract must be maintained by the school
21 district and made available to parents and guardians upon
22 request. The instructor's date of birth and driver's license
23 number and any other personally identifying information as
24 deemed by the federal Driver's Privacy Protection Act of 1994
25 must be redacted from any public materials.

26 Such a course may be commenced immediately after the

1 completion of a prior course. Teachers of such courses shall
2 meet the licensure requirements of this Code and regulations of
3 the State Board as to qualifications. Except for a contract
4 with a Certified Driver Rehabilitation Specialist, a school
5 district that contracts with a third party to teach a driver
6 education course under this Section must ensure the teacher
7 meets the educator licensure and endorsement requirements
8 under Article 21B and must follow the same evaluation and
9 observation requirements that apply to non-tenured teachers
10 under Article 24A. The teacher evaluation must be conducted by
11 a school administrator employed by the school district and must
12 be submitted annually to the district superintendent and all
13 school board members for oversight purposes.

14 Subject to rules of the State Board of Education, the
15 school district may charge a reasonable fee, not to exceed \$50,
16 to students who participate in the course, unless a student is
17 unable to pay for such a course, in which event the fee for
18 such a student must be waived. However, the district may
19 increase this fee to an amount not to exceed \$250 by school
20 board resolution following a public hearing on the increase,
21 which increased fee must be waived for students who participate
22 in the course and are unable to pay for the course. The total
23 amount from driver education fees and reimbursement from the
24 State for driver education must not exceed the total cost of
25 the driver education program in any year and must be deposited
26 into the school district's driver education fund as a separate

1 line item budget entry. All moneys deposited into the school
2 district's driver education fund must be used solely for the
3 funding of a high school driver education program approved by
4 the State Board of Education that uses driver education
5 instructors endorsed by the State Board of Education.

6 (Source: P.A. 100-465, eff. 8-31-17; 101-183, eff. 8-2-19;
7 101-450, eff. 8-23-19; revised 9-19-19.)

8 (105 ILCS 5/27A-5)

9 (Text of Section before amendment by P.A. 101-50)

10 Sec. 27A-5. Charter school; legal entity; requirements.

11 (a) A charter school shall be a public, nonsectarian,
12 nonreligious, non-home based, and non-profit school. A charter
13 school shall be organized and operated as a nonprofit
14 corporation or other discrete, legal, nonprofit entity
15 authorized under the laws of the State of Illinois.

16 (b) A charter school may be established under this Article
17 by creating a new school or by converting an existing public
18 school or attendance center to charter school status. Beginning
19 on April 16, 2003 (the effective date of Public Act 93-3), in
20 all new applications to establish a charter school in a city
21 having a population exceeding 500,000, operation of the charter
22 school shall be limited to one campus. The changes made to this
23 Section by Public Act 93-3 do not apply to charter schools
24 existing or approved on or before April 16, 2003 (the effective
25 date of Public Act 93-3).

1 (b-5) In this subsection (b-5), "virtual-schooling" means
2 a cyber school where students engage in online curriculum and
3 instruction via the Internet and electronic communication with
4 their teachers at remote locations and with students
5 participating at different times.

6 From April 1, 2013 through December 31, 2016, there is a
7 moratorium on the establishment of charter schools with
8 virtual-schooling components in school districts other than a
9 school district organized under Article 34 of this Code. This
10 moratorium does not apply to a charter school with
11 virtual-schooling components existing or approved prior to
12 April 1, 2013 or to the renewal of the charter of a charter
13 school with virtual-schooling components already approved
14 prior to April 1, 2013.

15 (c) A charter school shall be administered and governed by
16 its board of directors or other governing body in the manner
17 provided in its charter. The governing body of a charter school
18 shall be subject to the Freedom of Information Act and the Open
19 Meetings Act. No later than January 1, 2021 (one year after the
20 effective date of Public Act 101-291) ~~this amendatory Act of~~
21 ~~the 101st General Assembly~~, a charter school's board of
22 directors or other governing body must include at least one
23 parent or guardian of a pupil currently enrolled in the charter
24 school who may be selected through the charter school or a
25 charter network election, appointment by the charter school's
26 board of directors or other governing body, or by the charter

1 school's Parent Teacher Organization or its equivalent.

2 (c-5) No later than January 1, 2021 (one year after the
3 effective date of Public Act 101-291) ~~this amendatory Act of~~
4 ~~the 101st General Assembly~~ or within the first year of his or
5 her first term, every voting member of a charter school's board
6 of directors or other governing body shall complete a minimum
7 of 4 hours of professional development leadership training to
8 ensure that each member has sufficient familiarity with the
9 board's or governing body's role and responsibilities,
10 including financial oversight and accountability of the
11 school, evaluating the principal's and school's performance,
12 adherence to the Freedom of Information Act and the Open
13 Meetings ~~Act Acts~~, and compliance with education and labor law.
14 In each subsequent year of his or her term, a voting member of
15 a charter school's board of directors or other governing body
16 shall complete a minimum of 2 hours of professional development
17 training in these same areas. The training under this
18 subsection may be provided or certified by a statewide charter
19 school membership association or may be provided or certified
20 by other qualified providers approved by the State Board of
21 Education.

22 (d) For purposes of this subsection (d), "non-curricular
23 health and safety requirement" means any health and safety
24 requirement created by statute or rule to provide, maintain,
25 preserve, or safeguard safe or healthful conditions for
26 students and school personnel or to eliminate, reduce, or

1 prevent threats to the health and safety of students and school
2 personnel. "Non-curricular health and safety requirement" does
3 not include any course of study or specialized instructional
4 requirement for which the State Board has established goals and
5 learning standards or which is designed primarily to impart
6 knowledge and skills for students to master and apply as an
7 outcome of their education.

8 A charter school shall comply with all non-curricular
9 health and safety requirements applicable to public schools
10 under the laws of the State of Illinois. On or before September
11 1, 2015, the State Board shall promulgate and post on its
12 Internet website a list of non-curricular health and safety
13 requirements that a charter school must meet. The list shall be
14 updated annually no later than September 1. Any charter
15 contract between a charter school and its authorizer must
16 contain a provision that requires the charter school to follow
17 the list of all non-curricular health and safety requirements
18 promulgated by the State Board and any non-curricular health
19 and safety requirements added by the State Board to such list
20 during the term of the charter. Nothing in this subsection (d)
21 precludes an authorizer from including non-curricular health
22 and safety requirements in a charter school contract that are
23 not contained in the list promulgated by the State Board,
24 including non-curricular health and safety requirements of the
25 authorizing local school board.

26 (e) Except as otherwise provided in the School Code, a

1 charter school shall not charge tuition; provided that a
2 charter school may charge reasonable fees for textbooks,
3 instructional materials, and student activities.

4 (f) A charter school shall be responsible for the
5 management and operation of its fiscal affairs including, but
6 not limited to, the preparation of its budget. An audit of each
7 charter school's finances shall be conducted annually by an
8 outside, independent contractor retained by the charter
9 school. To ensure financial accountability for the use of
10 public funds, on or before December 1 of every year of
11 operation, each charter school shall submit to its authorizer
12 and the State Board a copy of its audit and a copy of the Form
13 990 the charter school filed that year with the federal
14 Internal Revenue Service. In addition, if deemed necessary for
15 proper financial oversight of the charter school, an authorizer
16 may require quarterly financial statements from each charter
17 school.

18 (g) A charter school shall comply with all provisions of
19 this Article, the Illinois Educational Labor Relations Act, all
20 federal and State laws and rules applicable to public schools
21 that pertain to special education and the instruction of
22 English learners, and its charter. A charter school is exempt
23 from all other State laws and regulations in this Code
24 governing public schools and local school board policies;
25 however, a charter school is not exempt from the following:

26 (1) Sections 10-21.9 and 34-18.5 of this Code regarding

1 criminal history records checks and checks of the Statewide
2 Sex Offender Database and Statewide Murderer and Violent
3 Offender Against Youth Database of applicants for
4 employment;

5 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
6 34-84a of this Code regarding discipline of students;

7 (3) the Local Governmental and Governmental Employees
8 Tort Immunity Act;

9 (4) Section 108.75 of the General Not For Profit
10 Corporation Act of 1986 regarding indemnification of
11 officers, directors, employees, and agents;

12 (5) the Abused and Neglected Child Reporting Act;

13 (5.5) subsection (b) of Section 10-23.12 and
14 subsection (b) of Section 34-18.6 of this Code;

15 (6) the Illinois School Student Records Act;

16 (7) Section 10-17a of this Code regarding school report
17 cards;

18 (8) the P-20 Longitudinal Education Data System Act;

19 (9) Section 27-23.7 of this Code regarding bullying
20 prevention;

21 (10) Section 2-3.162 of this Code regarding student
22 discipline reporting;

23 (11) Sections 22-80 and 27-8.1 of this Code;

24 (12) Sections 10-20.60 and 34-18.53 of this Code;

25 (13) Sections 10-20.63 and 34-18.56 of this Code;

26 (14) Section 26-18 of this Code;

1 (15) Section 22-30 of this Code; and

2 (16) Sections 24-12 and 34-85 of this Code.

3 The change made by Public Act 96-104 to this subsection (g)
4 is declaratory of existing law.

5 (h) A charter school may negotiate and contract with a
6 school district, the governing body of a State college or
7 university or public community college, or any other public or
8 for-profit or nonprofit private entity for: (i) the use of a
9 school building and grounds or any other real property or
10 facilities that the charter school desires to use or convert
11 for use as a charter school site, (ii) the operation and
12 maintenance thereof, and (iii) the provision of any service,
13 activity, or undertaking that the charter school is required to
14 perform in order to carry out the terms of its charter.
15 However, a charter school that is established on or after April
16 16, 2003 (the effective date of Public Act 93-3) and that
17 operates in a city having a population exceeding 500,000 may
18 not contract with a for-profit entity to manage or operate the
19 school during the period that commences on April 16, 2003 (the
20 effective date of Public Act 93-3) and concludes at the end of
21 the 2004-2005 school year. Except as provided in subsection (i)
22 of this Section, a school district may charge a charter school
23 reasonable rent for the use of the district's buildings,
24 grounds, and facilities. Any services for which a charter
25 school contracts with a school district shall be provided by
26 the district at cost. Any services for which a charter school

1 contracts with a local school board or with the governing body
2 of a State college or university or public community college
3 shall be provided by the public entity at cost.

4 (i) In no event shall a charter school that is established
5 by converting an existing school or attendance center to
6 charter school status be required to pay rent for space that is
7 deemed available, as negotiated and provided in the charter
8 agreement, in school district facilities. However, all other
9 costs for the operation and maintenance of school district
10 facilities that are used by the charter school shall be subject
11 to negotiation between the charter school and the local school
12 board and shall be set forth in the charter.

13 (j) A charter school may limit student enrollment by age or
14 grade level.

15 (k) If the charter school is approved by the State Board or
16 Commission, then the charter school is its own local education
17 agency.

18 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
19 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
20 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-81,
21 eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19;
22 101-543, eff. 8-23-19; revised 9-19-19.)

23 (Text of Section after amendment by P.A. 101-50)
24 Sec. 27A-5. Charter school; legal entity; requirements.

25 (a) A charter school shall be a public, nonsectarian,

1 nonreligious, non-home based, and non-profit school. A charter
2 school shall be organized and operated as a nonprofit
3 corporation or other discrete, legal, nonprofit entity
4 authorized under the laws of the State of Illinois.

5 (b) A charter school may be established under this Article
6 by creating a new school or by converting an existing public
7 school or attendance center to charter school status. Beginning
8 on April 16, 2003 (the effective date of Public Act 93-3), in
9 all new applications to establish a charter school in a city
10 having a population exceeding 500,000, operation of the charter
11 school shall be limited to one campus. The changes made to this
12 Section by Public Act 93-3 do not apply to charter schools
13 existing or approved on or before April 16, 2003 (the effective
14 date of Public Act 93-3).

15 (b-5) In this subsection (b-5), "virtual-schooling" means
16 a cyber school where students engage in online curriculum and
17 instruction via the Internet and electronic communication with
18 their teachers at remote locations and with students
19 participating at different times.

20 From April 1, 2013 through December 31, 2016, there is a
21 moratorium on the establishment of charter schools with
22 virtual-schooling components in school districts other than a
23 school district organized under Article 34 of this Code. This
24 moratorium does not apply to a charter school with
25 virtual-schooling components existing or approved prior to
26 April 1, 2013 or to the renewal of the charter of a charter

1 school with virtual-schooling components already approved
2 prior to April 1, 2013.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter school
6 shall be subject to the Freedom of Information Act and the Open
7 Meetings Act. No later than January 1, 2021 (one year after the
8 effective date of Public Act 101-291) ~~this amendatory Act of~~
9 ~~the 101st General Assembly~~, a charter school's board of
10 directors or other governing body must include at least one
11 parent or guardian of a pupil currently enrolled in the charter
12 school who may be selected through the charter school or a
13 charter network election, appointment by the charter school's
14 board of directors or other governing body, or by the charter
15 school's Parent Teacher Organization or its equivalent.

16 (c-5) No later than January 1, 2021 (one year after the
17 effective date of Public Act 101-291) ~~this amendatory Act of~~
18 ~~the 101st General Assembly~~ or within the first year of his or
19 her first term, every voting member of a charter school's board
20 of directors or other governing body shall complete a minimum
21 of 4 hours of professional development leadership training to
22 ensure that each member has sufficient familiarity with the
23 board's or governing body's role and responsibilities,
24 including financial oversight and accountability of the
25 school, evaluating the principal's and school's performance,
26 adherence to the Freedom of Information Act and the Open

1 Meetings ~~Act Acts~~, and compliance with education and labor law.
2 In each subsequent year of his or her term, a voting member of
3 a charter school's board of directors or other governing body
4 shall complete a minimum of 2 hours of professional development
5 training in these same areas. The training under this
6 subsection may be provided or certified by a statewide charter
7 school membership association or may be provided or certified
8 by other qualified providers approved by the State Board of
9 Education.

10 (d) For purposes of this subsection (d), "non-curricular
11 health and safety requirement" means any health and safety
12 requirement created by statute or rule to provide, maintain,
13 preserve, or safeguard safe or healthful conditions for
14 students and school personnel or to eliminate, reduce, or
15 prevent threats to the health and safety of students and school
16 personnel. "Non-curricular health and safety requirement" does
17 not include any course of study or specialized instructional
18 requirement for which the State Board has established goals and
19 learning standards or which is designed primarily to impart
20 knowledge and skills for students to master and apply as an
21 outcome of their education.

22 A charter school shall comply with all non-curricular
23 health and safety requirements applicable to public schools
24 under the laws of the State of Illinois. On or before September
25 1, 2015, the State Board shall promulgate and post on its
26 Internet website a list of non-curricular health and safety

1 requirements that a charter school must meet. The list shall be
2 updated annually no later than September 1. Any charter
3 contract between a charter school and its authorizer must
4 contain a provision that requires the charter school to follow
5 the list of all non-curricular health and safety requirements
6 promulgated by the State Board and any non-curricular health
7 and safety requirements added by the State Board to such list
8 during the term of the charter. Nothing in this subsection (d)
9 precludes an authorizer from including non-curricular health
10 and safety requirements in a charter school contract that are
11 not contained in the list promulgated by the State Board,
12 including non-curricular health and safety requirements of the
13 authorizing local school board.

14 (e) Except as otherwise provided in the School Code, a
15 charter school shall not charge tuition; provided that a
16 charter school may charge reasonable fees for textbooks,
17 instructional materials, and student activities.

18 (f) A charter school shall be responsible for the
19 management and operation of its fiscal affairs including, but
20 not limited to, the preparation of its budget. An audit of each
21 charter school's finances shall be conducted annually by an
22 outside, independent contractor retained by the charter
23 school. To ensure financial accountability for the use of
24 public funds, on or before December 1 of every year of
25 operation, each charter school shall submit to its authorizer
26 and the State Board a copy of its audit and a copy of the Form

1 990 the charter school filed that year with the federal
2 Internal Revenue Service. In addition, if deemed necessary for
3 proper financial oversight of the charter school, an authorizer
4 may require quarterly financial statements from each charter
5 school.

6 (g) A charter school shall comply with all provisions of
7 this Article, the Illinois Educational Labor Relations Act, all
8 federal and State laws and rules applicable to public schools
9 that pertain to special education and the instruction of
10 English learners, and its charter. A charter school is exempt
11 from all other State laws and regulations in this Code
12 governing public schools and local school board policies;
13 however, a charter school is not exempt from the following:

14 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
15 criminal history records checks and checks of the Statewide
16 Sex Offender Database and Statewide Murderer and Violent
17 Offender Against Youth Database of applicants for
18 employment;

19 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
20 34-84a of this Code regarding discipline of students;

21 (3) the Local Governmental and Governmental Employees
22 Tort Immunity Act;

23 (4) Section 108.75 of the General Not For Profit
24 Corporation Act of 1986 regarding indemnification of
25 officers, directors, employees, and agents;

26 (5) the Abused and Neglected Child Reporting Act;

- 1 (5.5) subsection (b) of Section 10-23.12 and
2 subsection (b) of Section 34-18.6 of this Code;
3 (6) the Illinois School Student Records Act;
4 (7) Section 10-17a of this Code regarding school report
5 cards;
6 (8) the P-20 Longitudinal Education Data System Act;
7 (9) Section 27-23.7 of this Code regarding bullying
8 prevention;
9 (10) Section 2-3.162 of this Code regarding student
10 discipline reporting;
11 (11) Sections 22-80 and 27-8.1 of this Code;
12 (12) Sections 10-20.60 and 34-18.53 of this Code;
13 (13) Sections 10-20.63 and 34-18.56 of this Code;
14 (14) Section 26-18 of this Code;
15 (15) Section 22-30 of this Code; ~~and~~
16 (16) Sections 24-12 and 34-85 of this Code; and-
17 (17) ~~(16)~~ The Seizure Smart School Act.

18 The change made by Public Act 96-104 to this subsection (g)
19 is declaratory of existing law.

20 (h) A charter school may negotiate and contract with a
21 school district, the governing body of a State college or
22 university or public community college, or any other public or
23 for-profit or nonprofit private entity for: (i) the use of a
24 school building and grounds or any other real property or
25 facilities that the charter school desires to use or convert
26 for use as a charter school site, (ii) the operation and

1 maintenance thereof, and (iii) the provision of any service,
2 activity, or undertaking that the charter school is required to
3 perform in order to carry out the terms of its charter.
4 However, a charter school that is established on or after April
5 16, 2003 (the effective date of Public Act 93-3) and that
6 operates in a city having a population exceeding 500,000 may
7 not contract with a for-profit entity to manage or operate the
8 school during the period that commences on April 16, 2003 (the
9 effective date of Public Act 93-3) and concludes at the end of
10 the 2004-2005 school year. Except as provided in subsection (i)
11 of this Section, a school district may charge a charter school
12 reasonable rent for the use of the district's buildings,
13 grounds, and facilities. Any services for which a charter
14 school contracts with a school district shall be provided by
15 the district at cost. Any services for which a charter school
16 contracts with a local school board or with the governing body
17 of a State college or university or public community college
18 shall be provided by the public entity at cost.

19 (i) In no event shall a charter school that is established
20 by converting an existing school or attendance center to
21 charter school status be required to pay rent for space that is
22 deemed available, as negotiated and provided in the charter
23 agreement, in school district facilities. However, all other
24 costs for the operation and maintenance of school district
25 facilities that are used by the charter school shall be subject
26 to negotiation between the charter school and the local school

1 board and shall be set forth in the charter.

2 (j) A charter school may limit student enrollment by age or
3 grade level.

4 (k) If the charter school is approved by the State Board or
5 Commission, then the charter school is its own local education
6 agency.

7 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
8 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
9 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
10 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
11 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised
12 9-19-19.)

13 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

14 Sec. 34-18. Powers of the board. The board shall exercise
15 general supervision and jurisdiction over the public education
16 and the public school system of the city, and, except as
17 otherwise provided by this Article, shall have power:

18 1. To make suitable provision for the establishment and
19 maintenance throughout the year or for such portion thereof
20 as it may direct, not less than 9 months and in compliance
21 with Section 10-19.05, of schools of all grades and kinds,
22 including normal schools, high schools, night schools,
23 schools for defectives and delinquents, parental and
24 truant schools, schools for the blind, the deaf, and
25 persons with physical disabilities, schools or classes in

1 manual training, constructural and vocational teaching,
2 domestic arts, and physical culture, vocation and
3 extension schools and lecture courses, and all other
4 educational courses and facilities, including
5 establishing, equipping, maintaining and operating
6 playgrounds and recreational programs, when such programs
7 are conducted in, adjacent to, or connected with any public
8 school under the general supervision and jurisdiction of
9 the board; provided that the calendar for the school term
10 and any changes must be submitted to and approved by the
11 State Board of Education before the calendar or changes may
12 take effect, and provided that in allocating funds from
13 year to year for the operation of all attendance centers
14 within the district, the board shall ensure that
15 supplemental general State aid or supplemental grant funds
16 are allocated and applied in accordance with Section 18-8,
17 18-8.05, or 18-8.15. To admit to such schools without
18 charge foreign exchange students who are participants in an
19 organized exchange student program which is authorized by
20 the board. The board shall permit all students to enroll in
21 apprenticeship programs in trade schools operated by the
22 board, whether those programs are union-sponsored or not.
23 No student shall be refused admission into or be excluded
24 from any course of instruction offered in the common
25 schools by reason of that student's sex. No student shall
26 be denied equal access to physical education and

1 interscholastic athletic programs supported from school
2 district funds or denied participation in comparable
3 physical education and athletic programs solely by reason
4 of the student's sex. Equal access to programs supported
5 from school district funds and comparable programs will be
6 defined in rules promulgated by the State Board of
7 Education in consultation with the Illinois High School
8 Association. Notwithstanding any other provision of this
9 Article, neither the board of education nor any local
10 school council or other school official shall recommend
11 that children with disabilities be placed into regular
12 education classrooms unless those children with
13 disabilities are provided with supplementary services to
14 assist them so that they benefit from the regular classroom
15 instruction and are included on the teacher's regular
16 education class register;

17 2. To furnish lunches to pupils, to make a reasonable
18 charge therefor, and to use school funds for the payment of
19 such expenses as the board may determine are necessary in
20 conducting the school lunch program;

21 3. To co-operate with the circuit court;

22 4. To make arrangements with the public or quasi-public
23 libraries and museums for the use of their facilities by
24 teachers and pupils of the public schools;

25 5. To employ dentists and prescribe their duties for
26 the purpose of treating the pupils in the schools, but

1 accepting such treatment shall be optional with parents or
2 guardians;

3 6. To grant the use of assembly halls and classrooms
4 when not otherwise needed, including light, heat, and
5 attendants, for free public lectures, concerts, and other
6 educational and social interests, free of charge, under
7 such provisions and control as the principal of the
8 affected attendance center may prescribe;

9 7. To apportion the pupils to the several schools;
10 provided that no pupil shall be excluded from or segregated
11 in any such school on account of his color, race, sex, or
12 nationality. The board shall take into consideration the
13 prevention of segregation and the elimination of
14 separation of children in public schools because of color,
15 race, sex, or nationality. Except that children may be
16 committed to or attend parental and social adjustment
17 schools established and maintained either for boys or girls
18 only. All records pertaining to the creation, alteration or
19 revision of attendance areas shall be open to the public.
20 Nothing herein shall limit the board's authority to
21 establish multi-area attendance centers or other student
22 assignment systems for desegregation purposes or
23 otherwise, and to apportion the pupils to the several
24 schools. Furthermore, beginning in school year 1994-95,
25 pursuant to a board plan adopted by October 1, 1993, the
26 board shall offer, commencing on a phased-in basis, the

1 opportunity for families within the school district to
2 apply for enrollment of their children in any attendance
3 center within the school district which does not have
4 selective admission requirements approved by the board.
5 The appropriate geographical area in which such open
6 enrollment may be exercised shall be determined by the
7 board of education. Such children may be admitted to any
8 such attendance center on a space available basis after all
9 children residing within such attendance center's area
10 have been accommodated. If the number of applicants from
11 outside the attendance area exceed the space available,
12 then successful applicants shall be selected by lottery.
13 The board of education's open enrollment plan must include
14 provisions that allow low-income ~~low-income~~ students to
15 have access to transportation needed to exercise school
16 choice. Open enrollment shall be in compliance with the
17 provisions of the Consent Decree and Desegregation Plan
18 cited in Section 34-1.01;

19 8. To approve programs and policies for providing
20 transportation services to students. Nothing herein shall
21 be construed to permit or empower the State Board of
22 Education to order, mandate, or require busing or other
23 transportation of pupils for the purpose of achieving
24 racial balance in any school;

25 9. Subject to the limitations in this Article, to
26 establish and approve system-wide curriculum objectives

1 and standards, including graduation standards, which
2 reflect the multi-cultural diversity in the city and are
3 consistent with State law, provided that for all purposes
4 of this Article courses or proficiency in American Sign
5 Language shall be deemed to constitute courses or
6 proficiency in a foreign language; and to employ principals
7 and teachers, appointed as provided in this Article, and
8 fix their compensation. The board shall prepare such
9 reports related to minimal competency testing as may be
10 requested by the State Board of Education⁷ and₁ in
11 addition₁ shall monitor and approve special education and
12 bilingual education programs and policies within the
13 district to ensure ~~assure~~ that appropriate services are
14 provided in accordance with applicable State and federal
15 laws to children requiring services and education in those
16 areas;

17 10. To employ non-teaching personnel or utilize
18 volunteer personnel for: (i) non-teaching duties not
19 requiring instructional judgment or evaluation of pupils,
20 including library duties; and (ii) supervising study
21 halls, long distance teaching reception areas used
22 incident to instructional programs transmitted by
23 electronic media such as computers, video, and audio,
24 detention and discipline areas, and school-sponsored
25 extracurricular activities. The board may further utilize
26 volunteer non-certificated personnel or employ

1 non-certificated personnel to assist in the instruction of
2 pupils under the immediate supervision of a teacher holding
3 a valid certificate, directly engaged in teaching subject
4 matter or conducting activities; provided that the teacher
5 shall be continuously aware of the non-certificated
6 persons' activities and shall be able to control or modify
7 them. The general superintendent shall determine
8 qualifications of such personnel and shall prescribe rules
9 for determining the duties and activities to be assigned to
10 such personnel;

11 10.5. To utilize volunteer personnel from a regional
12 School Crisis Assistance Team (S.C.A.T.), created as part
13 of the Safe to Learn Program established pursuant to
14 Section 25 of the Illinois Violence Prevention Act of 1995,
15 to provide assistance to schools in times of violence or
16 other traumatic incidents within a school community by
17 providing crisis intervention services to lessen the
18 effects of emotional trauma on individuals and the
19 community; the School Crisis Assistance Team Steering
20 Committee shall determine the qualifications for
21 volunteers;

22 11. To provide television studio facilities in not to
23 exceed one school building and to provide programs for
24 educational purposes, provided, however, that the board
25 shall not construct, acquire, operate, or maintain a
26 television transmitter; to grant the use of its studio

1 facilities to a licensed television station located in the
2 school district; and to maintain and operate not to exceed
3 one school radio transmitting station and provide programs
4 for educational purposes;

5 12. To offer, if deemed appropriate, outdoor education
6 courses, including field trips within the State of
7 Illinois, or adjacent states, and to use school educational
8 funds for the expense of the said outdoor educational
9 programs, whether within the school district or not;

10 13. During that period of the calendar year not
11 embraced within the regular school term, to provide and
12 conduct courses in subject matters normally embraced in the
13 program of the schools during the regular school term and
14 to give regular school credit for satisfactory completion
15 by the student of such courses as may be approved for
16 credit by the State Board of Education;

17 14. To insure against any loss or liability of the
18 board, the former School Board Nominating Commission,
19 Local School Councils, the Chicago Schools Academic
20 Accountability Council, or the former Subdistrict Councils
21 or of any member, officer, agent, or employee thereof,
22 resulting from alleged violations of civil rights arising
23 from incidents occurring on or after September 5, 1967 or
24 from the wrongful or negligent act or omission of any such
25 person whether occurring within or without the school
26 premises, provided the officer, agent, or employee was, at

1 the time of the alleged violation of civil rights or
2 wrongful act or omission, acting within the scope of his or
3 her employment or under direction of the board, the former
4 School Board Nominating Commission, the Chicago Schools
5 Academic Accountability Council, Local School Councils, or
6 the former Subdistrict Councils; and to provide for or
7 participate in insurance plans for its officers and
8 employees, including, but not limited to, retirement
9 annuities, medical, surgical and hospitalization benefits
10 in such types and amounts as may be determined by the
11 board; provided, however, that the board shall contract for
12 such insurance only with an insurance company authorized to
13 do business in this State. Such insurance may include
14 provision for employees who rely on treatment by prayer or
15 spiritual means alone for healing, in accordance with the
16 tenets and practice of a recognized religious
17 denomination;

18 15. To contract with the corporate authorities of any
19 municipality or the county board of any county, as the case
20 may be, to provide for the regulation of traffic in parking
21 areas of property used for school purposes, in such manner
22 as is provided by Section 11-209 of the ~~The~~ Illinois
23 Vehicle Code, ~~approved September 29, 1969, as amended;~~

24 16. (a) To provide, on an equal basis, access to a high
25 school campus and student directory information to the
26 official recruiting representatives of the armed forces of

1 Illinois and the United States for the purposes of
2 informing students of the educational and career
3 opportunities available in the military if the board has
4 provided such access to persons or groups whose purpose is
5 to acquaint students with educational or occupational
6 opportunities available to them. The board is not required
7 to give greater notice regarding the right of access to
8 recruiting representatives than is given to other persons
9 and groups. In this paragraph 16, "directory information"
10 means a high school student's name, address, and telephone
11 number.

12 (b) If a student or his or her parent or guardian
13 submits a signed, written request to the high school before
14 the end of the student's sophomore year (or if the student
15 is a transfer student, by another time set by the high
16 school) that indicates that the student or his or her
17 parent or guardian does not want the student's directory
18 information to be provided to official recruiting
19 representatives under subsection (a) of this Section, the
20 high school may not provide access to the student's
21 directory information to these recruiting representatives.
22 The high school shall notify its students and their parents
23 or guardians of the provisions of this subsection (b).

24 (c) A high school may require official recruiting
25 representatives of the armed forces of Illinois and the
26 United States to pay a fee for copying and mailing a

1 student's directory information in an amount that is not
2 more than the actual costs incurred by the high school.

3 (d) Information received by an official recruiting
4 representative under this Section may be used only to
5 provide information to students concerning educational and
6 career opportunities available in the military and may not
7 be released to a person who is not involved in recruiting
8 students for the armed forces of Illinois or the United
9 States;

10 17. (a) To sell or market any computer program
11 developed by an employee of the school district, provided
12 that such employee developed the computer program as a
13 direct result of his or her duties with the school district
14 or through the utilization of ~~the~~ school district resources
15 or facilities. The employee who developed the computer
16 program shall be entitled to share in the proceeds of such
17 sale or marketing of the computer program. The distribution
18 of such proceeds between the employee and the school
19 district shall be as agreed upon by the employee and the
20 school district, except that neither the employee nor the
21 school district may receive more than 90% of such proceeds.
22 The negotiation for an employee who is represented by an
23 exclusive bargaining representative may be conducted by
24 such bargaining representative at the employee's request.

25 (b) For the purpose of this paragraph 17:

26 (1) "Computer" means an internally programmed,

1 general purpose digital device capable of
2 automatically accepting data, processing data and
3 supplying the results of the operation.

4 (2) "Computer program" means a series of coded
5 instructions or statements in a form acceptable to a
6 computer, which causes the computer to process data in
7 order to achieve a certain result.

8 (3) "Proceeds" means profits derived from the
9 marketing or sale of a product after deducting the
10 expenses of developing and marketing such product;

11 18. To delegate to the general superintendent of
12 schools, by resolution, the authority to approve contracts
13 and expenditures in amounts of \$10,000 or less;

14 19. Upon the written request of an employee, to
15 withhold from the compensation of that employee any dues,
16 payments, or contributions payable by such employee to any
17 labor organization as defined in the Illinois Educational
18 Labor Relations Act. Under such arrangement, an amount
19 shall be withheld from each regular payroll period which is
20 equal to the pro rata share of the annual dues plus any
21 payments or contributions, and the board shall transmit
22 such withholdings to the specified labor organization
23 within 10 working days from the time of the withholding;

24 19a. Upon receipt of notice from the comptroller of a
25 municipality with a population of 500,000 or more, a county
26 with a population of 3,000,000 or more, the Cook County

1 Forest Preserve District, the Chicago Park District, the
2 Metropolitan Water Reclamation District, the Chicago
3 Transit Authority, or a housing authority of a municipality
4 with a population of 500,000 or more that a debt is due and
5 owing the municipality, the county, the Cook County Forest
6 Preserve District, the Chicago Park District, the
7 Metropolitan Water Reclamation District, the Chicago
8 Transit Authority, or the housing authority by an employee
9 of the Chicago Board of Education, to withhold, from the
10 compensation of that employee, the amount of the debt that
11 is due and owing and pay the amount withheld to the
12 municipality, the county, the Cook County Forest Preserve
13 District, the Chicago Park District, the Metropolitan
14 Water Reclamation District, the Chicago Transit Authority,
15 or the housing authority; provided, however, that the
16 amount deducted from any one salary or wage payment shall
17 not exceed 25% of the net amount of the payment. Before the
18 Board deducts any amount from any salary or wage of an
19 employee under this paragraph, the municipality, the
20 county, the Cook County Forest Preserve District, the
21 Chicago Park District, the Metropolitan Water Reclamation
22 District, the Chicago Transit Authority, or the housing
23 authority shall certify that (i) the employee has been
24 afforded an opportunity for a hearing to dispute the debt
25 that is due and owing the municipality, the county, the
26 Cook County Forest Preserve District, the Chicago Park

1 District, the Metropolitan Water Reclamation District, the
2 Chicago Transit Authority, or the housing authority and
3 (ii) the employee has received notice of a wage deduction
4 order and has been afforded an opportunity for a hearing to
5 object to the order. For purposes of this paragraph, "net
6 amount" means that part of the salary or wage payment
7 remaining after the deduction of any amounts required by
8 law to be deducted and "debt due and owing" means (i) a
9 specified sum of money owed to the municipality, the
10 county, the Cook County Forest Preserve District, the
11 Chicago Park District, the Metropolitan Water Reclamation
12 District, the Chicago Transit Authority, or the housing
13 authority for services, work, or goods, after the period
14 granted for payment has expired, or (ii) a specified sum of
15 money owed to the municipality, the county, the Cook County
16 Forest Preserve District, the Chicago Park District, the
17 Metropolitan Water Reclamation District, the Chicago
18 Transit Authority, or the housing authority pursuant to a
19 court order or order of an administrative hearing officer
20 after the exhaustion of, or the failure to exhaust,
21 judicial review;

22 20. The board is encouraged to employ a sufficient
23 number of certified school counselors to maintain a
24 student/counselor ratio of 250 to 1 by July 1, 1990. Each
25 counselor shall spend at least 75% of his work time in
26 direct contact with students and shall maintain a record of

1 such time;

2 21. To make available to students vocational and career
3 counseling and to establish 5 special career counseling
4 days for students and parents. On these days
5 representatives of local businesses and industries shall
6 be invited to the school campus and shall inform students
7 of career opportunities available to them in the various
8 businesses and industries. Special consideration shall be
9 given to counseling minority students as to career
10 opportunities available to them in various fields. For the
11 purposes of this paragraph, minority student means a person
12 who is any of the following:

13 (a) American Indian or Alaska Native (a person having
14 origins in any of the original peoples of North and South
15 America, including Central America, and who maintains
16 tribal affiliation or community attachment).

17 (b) Asian (a person having origins in any of the
18 original peoples of the Far East, Southeast Asia, or the
19 Indian subcontinent, including, but not limited to,
20 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
21 the Philippine Islands, Thailand, and Vietnam).

22 (c) Black or African American (a person having origins
23 in any of the black racial groups of Africa). Terms such as
24 "Haitian" or "Negro" can be used in addition to "Black or
25 African American".

26 (d) Hispanic or Latino (a person of Cuban, Mexican,

1 Puerto Rican, South or Central American, or other Spanish
2 culture or origin, regardless of race).

3 (e) Native Hawaiian or Other Pacific Islander (a person
4 having origins in any of the original peoples of Hawaii,
5 Guam, Samoa, or other Pacific Islands).

6 Counseling days shall not be in lieu of regular school
7 days;

8 22. To report to the State Board of Education the
9 annual student dropout rate and number of students who
10 graduate from, transfer from, or otherwise leave bilingual
11 programs;

12 23. Except as otherwise provided in the Abused and
13 Neglected Child Reporting Act or other applicable State or
14 federal law, to permit school officials to withhold, from
15 any person, information on the whereabouts of any child
16 removed from school premises when the child has been taken
17 into protective custody as a victim of suspected child
18 abuse. School officials shall direct such person to the
19 Department of Children and Family Services, or to the local
20 law enforcement agency, if appropriate;

21 24. To develop a policy, based on the current state of
22 existing school facilities, projected enrollment, and
23 efficient utilization of available resources, for capital
24 improvement of schools and school buildings within the
25 district, addressing in that policy both the relative
26 priority for major repairs, renovations, and additions to

1 school facilities⁷ and the advisability or necessity of
2 building new school facilities or closing existing schools
3 to meet current or projected demographic patterns within
4 the district;

5 25. To make available to the students in every high
6 school attendance center the ability to take all courses
7 necessary to comply with the Board of Higher Education's
8 college entrance criteria effective in 1993;

9 26. To encourage mid-career changes into the teaching
10 profession, whereby qualified professionals become
11 certified teachers, by allowing credit for professional
12 employment in related fields when determining point of
13 entry on the teacher pay scale;

14 27. To provide or contract out training programs for
15 administrative personnel and principals with revised or
16 expanded duties pursuant to this Code Act in order to
17 ensure ~~assure~~ they have the knowledge and skills to perform
18 their duties;

19 28. To establish a fund for the prioritized special
20 needs programs, and to allocate such funds and other lump
21 sum amounts to each attendance center in a manner
22 consistent with the provisions of part 4 of Section 34-2.3.
23 Nothing in this paragraph shall be construed to require any
24 additional appropriations of State funds for this purpose;

25 29. (Blank);

26 30. Notwithstanding any other provision of this Act or

1 any other law to the contrary, to contract with third
2 parties for services otherwise performed by employees,
3 including those in a bargaining unit, and to layoff those
4 employees upon 14 days written notice to the affected
5 employees. Those contracts may be for a period not to
6 exceed 5 years and may be awarded on a system-wide basis.
7 The board may not operate more than 30 contract schools,
8 provided that the board may operate an additional 5
9 contract turnaround schools pursuant to item (5.5) of
10 subsection (d) of Section 34-8.3 of this Code, and the
11 governing bodies of contract schools are subject to the
12 Freedom of Information Act and Open Meetings Act;

13 31. To promulgate rules establishing procedures
14 governing the layoff or reduction in force of employees and
15 the recall of such employees, including, but not limited
16 to, criteria for such layoffs, reductions in force or
17 recall rights of such employees and the weight to be given
18 to any particular criterion. Such criteria shall take into
19 account factors, including, but not ~~be~~ limited to,
20 qualifications, certifications, experience, performance
21 ratings or evaluations, and any other factors relating to
22 an employee's job performance;

23 32. To develop a policy to prevent nepotism in the
24 hiring of personnel or the selection of contractors;

25 33. (Blank); and

26 34. To establish a Labor Management Council to the

1 board comprised of representatives of the board, the chief
2 executive officer, and those labor organizations that are
3 the exclusive representatives of employees of the board and
4 to promulgate policies and procedures for the operation of
5 the Council.

6 The specifications of the powers herein granted are not to
7 be construed as exclusive, but the board shall also exercise
8 all other powers that ~~they~~ may be requisite or proper for the
9 maintenance and the development of a public school system, not
10 inconsistent with the other provisions of this Article or
11 provisions of this Code which apply to all school districts.

12 In addition to the powers herein granted and authorized to
13 be exercised by the board, it shall be the duty of the board to
14 review or to direct independent reviews of special education
15 expenditures and services. The board shall file a report of
16 such review with the General Assembly on or before May 1, 1990.
17 (Source: P.A. 100-465, eff. 8-31-17; 100-1046, eff. 8-23-18;
18 101-12, eff. 7-1-19; 101-88, eff. 1-1-20; revised 8-19-19.)

19 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

20 Sec. 34-18.5. Criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer and
22 Violent Offender Against Youth Database.

23 (a) Licensed and nonlicensed applicants for employment
24 with the school district are required as a condition of
25 employment to authorize a fingerprint-based criminal history

1 records check to determine if such applicants have been
2 convicted of any disqualifying, enumerated criminal or drug
3 offense ~~offenses~~ in subsection (c) of this Section or have been
4 convicted, within 7 years of the application for employment
5 with the school district, of any other felony under the laws of
6 this State or of any offense committed or attempted in any
7 other state or against the laws of the United States that, if
8 committed or attempted in this State, would have been
9 punishable as a felony under the laws of this State.
10 Authorization for the check shall be furnished by the applicant
11 to the school district, except that if the applicant is a
12 substitute teacher seeking employment in more than one school
13 district, or a teacher seeking concurrent part-time employment
14 positions with more than one school district (as a reading
15 specialist, special education teacher or otherwise), or an
16 educational support personnel employee seeking employment
17 positions with more than one district, any such district may
18 require the applicant to furnish authorization for the check to
19 the regional superintendent of the educational service region
20 in which are located the school districts in which the
21 applicant is seeking employment as a substitute or concurrent
22 part-time teacher or concurrent educational support personnel
23 employee. Upon receipt of this authorization, the school
24 district or the appropriate regional superintendent, as the
25 case may be, shall submit the applicant's name, sex, race, date
26 of birth, social security number, fingerprint images, and other

1 identifiers, as prescribed by the Department of State Police,
2 to the Department. The regional superintendent submitting the
3 requisite information to the Department of State Police shall
4 promptly notify the school districts in which the applicant is
5 seeking employment as a substitute or concurrent part-time
6 teacher or concurrent educational support personnel employee
7 that the check of the applicant has been requested. The
8 Department of State Police and the Federal Bureau of
9 Investigation shall furnish, pursuant to a fingerprint-based
10 criminal history records check, records of convictions,
11 forever and hereinafter, until expunged, to the president of
12 the school board for the school district that requested the
13 check, or to the regional superintendent who requested the
14 check. The Department shall charge the school district or the
15 appropriate regional superintendent a fee for conducting such
16 check, which fee shall be deposited in the State Police
17 Services Fund and shall not exceed the cost of the inquiry; and
18 the applicant shall not be charged a fee for such check by the
19 school district or by the regional superintendent. Subject to
20 appropriations for these purposes, the State Superintendent of
21 Education shall reimburse the school district and regional
22 superintendent for fees paid to obtain criminal history records
23 checks under this Section.

24 (a-5) The school district or regional superintendent shall
25 further perform a check of the Statewide Sex Offender Database,
26 as authorized by the Sex Offender Community Notification Law,

1 for each applicant. The check of the Statewide Sex Offender
2 Database must be conducted by the school district or regional
3 superintendent once for every 5 years that an applicant remains
4 employed by the school district.

5 (a-6) The school district or regional superintendent shall
6 further perform a check of the Statewide Murderer and Violent
7 Offender Against Youth Database, as authorized by the Murderer
8 and Violent Offender Against Youth Community Notification Law,
9 for each applicant. The check of the Murderer and Violent
10 Offender Against Youth Database must be conducted by the school
11 district or regional superintendent once for every 5 years that
12 an applicant remains employed by the school district.

13 (b) Any information concerning the record of convictions
14 obtained by the president of the board of education or the
15 regional superintendent shall be confidential and may only be
16 transmitted to the general superintendent of the school
17 district or his designee, the appropriate regional
18 superintendent if the check was requested by the board of
19 education for the school district, the presidents of the
20 appropriate board of education or school boards if the check
21 was requested from the Department of State Police by the
22 regional superintendent, the State Board of Education and the
23 school district as authorized under subsection (b-5), the State
24 Superintendent of Education, the State Educator Preparation
25 and Licensure Board or any other person necessary to the
26 decision of hiring the applicant for employment. A copy of the

1 record of convictions obtained from the Department of State
2 Police shall be provided to the applicant for employment. Upon
3 the check of the Statewide Sex Offender Database or Statewide
4 Murderer and Violent Offender Against Youth Database, the
5 school district or regional superintendent shall notify an
6 applicant as to whether or not the applicant has been
7 identified in the Database. If a check of an applicant for
8 employment as a substitute or concurrent part-time teacher or
9 concurrent educational support personnel employee in more than
10 one school district was requested by the regional
11 superintendent, and the Department of State Police upon a check
12 ascertains that the applicant has not been convicted of any of
13 the enumerated criminal or drug offenses in subsection (c) of
14 this Section or has not been convicted, within 7 years of the
15 application for employment with the school district, of any
16 other felony under the laws of this State or of any offense
17 committed or attempted in any other state or against the laws
18 of the United States that, if committed or attempted in this
19 State, would have been punishable as a felony under the laws of
20 this State and so notifies the regional superintendent and if
21 the regional superintendent upon a check ascertains that the
22 applicant has not been identified in the Sex Offender Database
23 or Statewide Murderer and Violent Offender Against Youth
24 Database, then the regional superintendent shall issue to the
25 applicant a certificate evidencing that as of the date
26 specified by the Department of State Police the applicant has

1 not been convicted of any of the enumerated criminal or drug
2 offenses in subsection (c) of this Section or has not been
3 convicted, within 7 years of the application for employment
4 with the school district, of any other felony under the laws of
5 this State or of any offense committed or attempted in any
6 other state or against the laws of the United States that, if
7 committed or attempted in this State, would have been
8 punishable as a felony under the laws of this State and
9 evidencing that as of the date that the regional superintendent
10 conducted a check of the Statewide Sex Offender Database or
11 Statewide Murderer and Violent Offender Against Youth
12 Database, the applicant has not been identified in the
13 Database. The school board of any school district may rely on
14 the certificate issued by any regional superintendent to that
15 substitute teacher, concurrent part-time teacher, or
16 concurrent educational support personnel employee or may
17 initiate its own criminal history records check of the
18 applicant through the Department of State Police and its own
19 check of the Statewide Sex Offender Database or Statewide
20 Murderer and Violent Offender Against Youth Database as
21 provided in this Section. Any unauthorized release of
22 confidential information may be a violation of Section 7 of the
23 Criminal Identification Act.

24 (b-5) If a criminal history records check or check of the
25 Statewide Sex Offender Database or Statewide Murderer and
26 Violent Offender Against Youth Database is performed by a

1 regional superintendent for an applicant seeking employment as
2 a substitute teacher with the school district, the regional
3 superintendent may disclose to the State Board of Education
4 whether the applicant has been issued a certificate under
5 subsection (b) based on those checks. If the State Board
6 receives information on an applicant under this subsection,
7 then it must indicate in the Educator Licensure Information
8 System for a 90-day period that the applicant has been issued
9 or has not been issued a certificate.

10 (c) The board of education shall not knowingly employ a
11 person who has been convicted of any offense that would subject
12 him or her to license suspension or revocation pursuant to
13 Section 21B-80 of this Code, except as provided under
14 subsection (b) of 21B-80. Further, the board of education shall
15 not knowingly employ a person who has been found to be the
16 perpetrator of sexual or physical abuse of any minor under 18
17 years of age pursuant to proceedings under Article II of the
18 Juvenile Court Act of 1987. As a condition of employment, the
19 board of education must consider the status of a person who has
20 been issued an indicated finding of abuse or neglect of a child
21 by the Department of Children and Family Services under the
22 Abused and Neglected Child Reporting Act or by a child welfare
23 agency of another jurisdiction.

24 (d) The board of education shall not knowingly employ a
25 person for whom a criminal history records check and a
26 Statewide Sex Offender Database check have ~~has~~ not been

1 initiated.

2 (e) No later than 15 business days after receipt of a
3 record of conviction or of checking the Statewide Murderer and
4 Violent Offender Against Youth Database or the Statewide Sex
5 Offender Database and finding a registration, the general
6 superintendent of schools or the applicable regional
7 superintendent shall, in writing, notify the State
8 Superintendent of Education of any license holder who has been
9 convicted of a crime set forth in Section 21B-80 of this Code.
10 Upon receipt of the record of a conviction of or a finding of
11 child abuse by a holder of any license issued pursuant to
12 Article 21B or Section 34-8.1 or 34-83 of this ~~the School~~ Code,
13 the State Superintendent of Education may initiate licensure
14 suspension and revocation proceedings as authorized by law. If
15 the receipt of the record of conviction or finding of child
16 abuse is received within 6 months after the initial grant of or
17 renewal of a license, the State Superintendent of Education may
18 rescind the license holder's license.

19 (e-5) The general superintendent of schools shall, in
20 writing, notify the State Superintendent of Education of any
21 license holder whom he or she has reasonable cause to believe
22 has committed an intentional act of abuse or neglect with the
23 result of making a child an abused child or a neglected child,
24 as defined in Section 3 of the Abused and Neglected Child
25 Reporting Act, and that act resulted in the license holder's
26 dismissal or resignation from the school district. This

1 notification must be submitted within 30 days after the
2 dismissal or resignation. The license holder must also be
3 contemporaneously sent a copy of the notice by the
4 superintendent. All correspondence, documentation, and other
5 information so received by the State Superintendent of
6 Education, the State Board of Education, or the State Educator
7 Preparation and Licensure Board under this subsection (e-5) is
8 confidential and must not be disclosed to third parties, except
9 (i) as necessary for the State Superintendent of Education or
10 his or her designee to investigate and prosecute pursuant to
11 Article 21B of this Code, (ii) pursuant to a court order, (iii)
12 for disclosure to the license holder or his or her
13 representative, or (iv) as otherwise provided in this Article
14 and provided that any such information admitted into evidence
15 in a hearing is exempt from this confidentiality and
16 non-disclosure requirement. Except for an act of willful or
17 wanton misconduct, any superintendent who provides
18 notification as required in this subsection (e-5) shall have
19 immunity from any liability, whether civil or criminal or that
20 otherwise might result by reason of such action.

21 (f) After March 19, 1990, the provisions of this Section
22 shall apply to all employees of persons or firms holding
23 contracts with any school district including, but not limited
24 to, food service workers, school bus drivers and other
25 transportation employees, who have direct, daily contact with
26 the pupils of any school in such district. For purposes of

1 criminal history records checks and checks of the Statewide Sex
2 Offender Database on employees of persons or firms holding
3 contracts with more than one school district and assigned to
4 more than one school district, the regional superintendent of
5 the educational service region in which the contracting school
6 districts are located may, at the request of any such school
7 district, be responsible for receiving the authorization for a
8 criminal history records check prepared by each such employee
9 and submitting the same to the Department of State Police and
10 for conducting a check of the Statewide Sex Offender Database
11 for each employee. Any information concerning the record of
12 conviction and identification as a sex offender of any such
13 employee obtained by the regional superintendent shall be
14 promptly reported to the president of the appropriate school
15 board or school boards.

16 (f-5) Upon request of a school or school district, any
17 information obtained by the school district pursuant to
18 subsection (f) of this Section within the last year must be
19 made available to the requesting school or school district.

20 (g) Prior to the commencement of any student teaching
21 experience or required internship (which is referred to as
22 student teaching in this Section) in the public schools, a
23 student teacher is required to authorize a fingerprint-based
24 criminal history records check. Authorization for and payment
25 of the costs of the check must be furnished by the student
26 teacher to the school district. Upon receipt of this

1 authorization and payment, the school district shall submit the
2 student teacher's name, sex, race, date of birth, social
3 security number, fingerprint images, and other identifiers, as
4 prescribed by the Department of State Police, to the Department
5 of State Police. The Department of State Police and the Federal
6 Bureau of Investigation shall furnish, pursuant to a
7 fingerprint-based criminal history records check, records of
8 convictions, forever and hereinafter, until expunged, to the
9 president of the board. The Department shall charge the school
10 district a fee for conducting the check, which fee must not
11 exceed the cost of the inquiry and must be deposited into the
12 State Police Services Fund. The school district shall further
13 perform a check of the Statewide Sex Offender Database, as
14 authorized by the Sex Offender Community Notification Law, and
15 of the Statewide Murderer and Violent Offender Against Youth
16 Database, as authorized by the Murderer and Violent Offender
17 Against Youth Registration Act, for each student teacher. The
18 board may not knowingly allow a person to student teach for
19 whom a criminal history records check, a Statewide Sex Offender
20 Database check, and a Statewide Murderer and Violent Offender
21 Against Youth Database check have not been completed and
22 reviewed by the district.

23 A copy of the record of convictions obtained from the
24 Department of State Police must be provided to the student
25 teacher. Any information concerning the record of convictions
26 obtained by the president of the board is confidential and may

1 only be transmitted to the general superintendent of schools or
2 his or her designee, the State Superintendent of Education, the
3 State Educator Preparation and Licensure Board, or, for
4 clarification purposes, the Department of State Police or the
5 Statewide Sex Offender Database or Statewide Murderer and
6 Violent Offender Against Youth Database. Any unauthorized
7 release of confidential information may be a violation of
8 Section 7 of the Criminal Identification Act.

9 The board may not knowingly allow a person to student teach
10 who has been convicted of any offense that would subject him or
11 her to license suspension or revocation pursuant to subsection
12 (c) of Section 21B-80 of this Code, except as provided under
13 subsection (b) of Section 21B-80. Further, the board may not
14 allow a person to student teach if he or she has been found to
15 be the perpetrator of sexual or physical abuse of a minor under
16 18 years of age pursuant to proceedings under Article II of the
17 Juvenile Court Act of 1987. The board must consider the status
18 of a person to student teach who has been issued an indicated
19 finding of abuse or neglect of a child by the Department of
20 Children and Family Services under the Abused and Neglected
21 Child Reporting Act or by a child welfare agency of another
22 jurisdiction.

23 (h) (Blank).

24 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
25 revised 9-19-19.)

1 (105 ILCS 5/34-18.61)

2 Sec. 34-18.61. Self-administration of ~~Self-administrating~~
3 medication.

4 (a) In this Section, "asthma action plan" has the meaning
5 given to that term under Section 22-30.

6 (b) Notwithstanding any other provision of law, the school
7 district must allow any student with an asthma action plan, an
8 Individual Health Care Action Plan, an Illinois Food Allergy
9 Emergency Action Plan and Treatment Authorization Form, a plan
10 pursuant to Section 504 of the federal Rehabilitation Act of
11 1973, or a plan pursuant to the federal Individuals with
12 Disabilities Education Act to self-administer any medication
13 required under those plans if the student's parent or guardian
14 provides the school district with (i) written permission for
15 the student's self-administration of medication and (ii)
16 written authorization from the student's physician, physician
17 assistant, or advanced practice registered nurse for the
18 student to self-administer the medication. A parent or guardian
19 must also provide to the school district the prescription label
20 for the medication, which must contain the name of the
21 medication, the prescribed dosage, and the time or times at
22 which or the circumstances under which the medication is to be
23 administered. Information received by the school district
24 under this subsection shall be kept on file in the office of
25 the school nurse or, in the absence of a school nurse, the
26 school's administrator.

1 (c) The school district must adopt an emergency action plan
2 for a student who self-administers medication under subsection
3 (b). The plan must include both of the following:

4 (1) A plan of action in the event a student is unable
5 to self-administer medication.

6 (2) The situations in which a school must call 9-1-1.

7 (d) The school district and its employees and agents shall
8 incur no liability, except for willful and wanton conduct, as a
9 result of any injury arising from the self-administration of
10 medication by a student under subsection (b). The student's
11 parent or guardian must sign a statement to this effect, which
12 must acknowledge that the parent or guardian must indemnify and
13 hold harmless the school district and its employees and agents
14 against any claims, except a claim based on willful and wanton
15 conduct, arising out of the self-administration of medication
16 by a student.

17 (Source: P.A. 101-205, eff. 1-1-20; revised 10-21-19.)

18 (105 ILCS 5/34-18.62)

19 Sec. 34-18.62 ~~34-18.61~~. Policy on sexual harassment. The
20 school district must create, maintain, and implement an
21 age-appropriate policy on sexual harassment that must be posted
22 on the school district's website and, if applicable, any other
23 area where policies, rules, and standards of conduct are
24 currently posted in each school and must also be included in
25 the school district's student code of conduct handbook.

1 (Source: P.A. 101-418, eff. 1-1-20; revised 10-21-19.)

2 (105 ILCS 5/34-18.63)

3 Sec. 34-18.63 ~~34-18.61~~. Class size reporting. No later than
4 November 16, 2020, and annually thereafter, the school district
5 must report to the State Board of Education information on the
6 school district described under subsection (b) of Section
7 2-3.136a and must make that information available on its
8 website.

9 (Source: P.A. 101-451, eff. 1-1-20; revised 10-21-19.)

10 (105 ILCS 5/34-18.64)

11 Sec. 34-18.64 ~~34-18.61~~. Sexual abuse investigations at
12 schools. Every 2 years, the school district must review all
13 existing policies and procedures concerning sexual abuse
14 investigations at schools to ensure consistency with Section
15 22-85.

16 (Source: P.A. 101-531, eff. 8-23-19; revised 10-21-19.)

17 (105 ILCS 5/34-18.65)

18 Sec. 34-18.65 ~~34-18.61~~. Door security locking means.

19 (a) In this Section, "door security locking means" means a
20 door locking means intended for use by a trained school
21 district employee in a school building for the purpose of
22 preventing ingress through a door of the building.

23 (b) The school district may install a door security locking

1 means on a door of a school building to prevent unwanted entry
2 through the door if all of the following requirements are met:

3 (1) The door security locking means can be engaged
4 without opening the door.

5 (2) The unlocking and unlatching of the door security
6 locking means from the occupied side of the door can be
7 accomplished without the use of a key or tool.

8 (3) The door security locking means complies with all
9 applicable State and federal accessibility requirements.

10 (4) Locks, if remotely engaged, can be unlocked from
11 the occupied side.

12 (5) The door security locking means is capable of being
13 disengaged from the outside by school district employees,
14 and school district employees may use a key or other
15 credentials to unlock the door from the outside.

16 (6) The door security locking means does not modify the
17 door-closing hardware, panic hardware, or fire exit
18 hardware.

19 (7) Any bolts, stops, brackets, or pins employed by the
20 door security locking means do not affect the fire rating
21 of a fire door assembly.

22 (8) School district employees are trained in the
23 engagement and release of the door security locking means,
24 from within and outside the room, as part of the emergency
25 response plan.

26 (9) For doors installed before July 1, 2019 only, the

1 unlocking and unlatching of a door security locking means
2 requires no more than 2 releasing operations. For doors
3 installed on or after July 1, 2019, the unlocking and
4 unlatching of a door security locking means requires no
5 more than one releasing operation. If doors installed
6 before July 1, 2019 are replaced on or after July 1, 2019,
7 the unlocking and unlatching of a door security locking
8 means on the replacement door requires no more than one
9 releasing operation.

10 (10) The door security locking means is no more than 48
11 inches above the finished floor.

12 (11) The door security locking means otherwise
13 complies with the school building code prepared by the
14 State Board of Education under Section 2-3.12.

15 The school district may install a door security locking
16 means that does not comply with paragraph (3) or (10) of this
17 subsection if (i) the school district meets all other
18 requirements under this subsection and (ii) prior to its
19 installation, local law enforcement officials, the local fire
20 department, and the board agree, in writing, to the
21 installation and use of the door security locking means. The
22 school district must keep the agreement on file and must, upon
23 request, provide the agreement to the State Board of Education.
24 The agreement must be included in the school district's filed
25 school safety plan under the School Safety Drill Act.

26 (c) The school district must include the location of any

1 door security locking means and must address the use of the
2 locking and unlocking means from within and outside the room in
3 its filed school safety plan under the School Safety Drill Act.
4 Local law enforcement officials and the local fire department
5 must be notified of the location of any door security locking
6 means and how to disengage it. Any specific tool needed to
7 disengage the door security locking means from the outside of
8 the room must, upon request, be made available to local law
9 enforcement officials and the local fire department.

10 (d) A door security locking means may be used only (i) by a
11 school district employee trained under subsection (e), (ii)
12 during an emergency that threatens the health and safety of
13 students and employees or during an active shooter drill, and
14 (iii) when local law enforcement officials and the local fire
15 department have been notified of its installation prior to its
16 use. The door security locking means must be engaged for a
17 finite period of time in accordance with the school district's
18 school safety plan adopted under the School Safety Drill Act.

19 (e) If the school district installs a door security locking
20 means, it must conduct an in-service training program for
21 school district employees on the proper use of the door
22 security locking means. The school district shall keep a file
23 verifying the employees who have completed the program and
24 must, upon request, provide the file to the local fire
25 department and local law enforcement agency.

26 (f) A door security locking means that requires 2 releasing

1 operations must be discontinued from use when the door is
2 replaced or is a part of new construction. Replacement and new
3 construction door hardware must include mortise locks,
4 compliant with the applicable building code, and must be
5 lockable from the occupied side without opening the door.
6 However, mortise locks are not required if panic hardware or
7 fire exit hardware is required.

8 (Source: P.A. 101-548, eff. 8-23-19; revised 10-21-19.)

9 Section 290. The Illinois School Student Records Act is
10 amended by changing Section 2 as follows:

11 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

12 Sec. 2. As used in this Act:7

13 (a) "Student" means any person enrolled or previously
14 enrolled in a school.

15 (b) "School" means any public preschool, day care center,
16 kindergarten, nursery, elementary or secondary educational
17 institution, vocational school, special educational facility
18 or any other elementary or secondary educational agency or
19 institution and any person, agency or institution which
20 maintains school student records from more than one school, but
21 does not include a private or non-public school.

22 (c) "State Board" means the State Board of Education.

23 (d) "School Student Record" means any writing or other
24 recorded information concerning a student and by which a

1 student may be individually identified, maintained by a school
2 or at its direction or by an employee of a school, regardless
3 of how or where the information is stored. The following shall
4 not be deemed school student records under this Act: writings
5 or other recorded information maintained by an employee of a
6 school or other person at the direction of a school for his or
7 her exclusive use; provided that all such writings and other
8 recorded information are destroyed not later than the student's
9 graduation or permanent withdrawal from the school; and
10 provided further that no such records or recorded information
11 may be released or disclosed to any person except a person
12 designated by the school as a substitute unless they are first
13 incorporated in a school student record and made subject to all
14 of the provisions of this Act. School student records shall not
15 include information maintained by law enforcement
16 professionals working in the school.

17 (e) "Student Permanent Record" means the minimum personal
18 information necessary to a school in the education of the
19 student and contained in a school student record. Such
20 information may include the student's name, birth date,
21 address, grades and grade level, parents' names and addresses,
22 attendance records, and such other entries as the State Board
23 may require or authorize.

24 (f) "Student Temporary Record" means all information
25 contained in a school student record but not contained in the
26 student permanent record. Such information may include family

1 background information, intelligence test scores, aptitude
2 test scores, psychological and personality test results,
3 teacher evaluations, and other information of clear relevance
4 to the education of the student, all subject to regulations of
5 the State Board. The information shall include information
6 provided under Section 8.6 of the Abused and Neglected Child
7 Reporting Act and information contained in service logs
8 maintained by a local education agency under subsection (d) of
9 Section 14-8.02f of the School Code. In addition, the student
10 temporary record shall include information regarding serious
11 disciplinary infractions that resulted in expulsion,
12 suspension, or the imposition of punishment or sanction. For
13 purposes of this provision, serious disciplinary infractions
14 means: infractions involving drugs, weapons, or bodily harm to
15 another.

16 (g) "Parent" means a person who is the natural parent of
17 the student or other person who has the primary responsibility
18 for the care and upbringing of the student. All rights and
19 privileges accorded to a parent under this Act shall become
20 exclusively those of the student upon his 18th birthday,
21 graduation from secondary school, marriage or entry into
22 military service, whichever occurs first. Such rights and
23 privileges may also be exercised by the student at any time
24 with respect to the student's permanent school record.

25 (Source: P.A. 101-515, eff. 8-23-19; revised 12-3-19.)

1 Section 295. The Education for Homeless Children Act is
2 amended by changing Section 1-10 as follows:

3 (105 ILCS 45/1-10)

4 Sec. 1-10. Choice of schools. ~~(a)~~ When a child loses
5 permanent housing and becomes a homeless person within the
6 meaning of Section 1-5, or when a homeless child changes his or
7 her temporary living arrangements, the parents or guardians of
8 the homeless child shall have the option of either:

9 (1) continuing the child's education in the school of
10 origin for as long as the child remains homeless or, if the
11 child becomes permanently housed, until the end of the
12 academic year during which the housing is acquired; or

13 (2) enrolling the child in any school that nonhomeless
14 students who live in the attendance area in which the child
15 or youth is actually living are eligible to attend.

16 (Source: P.A. 100-201, eff. 8-18-17; revised 7-16-19.)

17 Section 300. The Student Online Personal Protection Act is
18 amended by changing Section 27 as follows:

19 (105 ILCS 85/27)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 Sec. 27. School duties.

23 (a) Each school shall post and maintain on its website or,

1 if the school does not maintain a website, make available for
2 inspection by the general public at its administrative office
3 all of the following information:

4 (1) An explanation, that is clear and understandable by
5 a layperson, of the data elements of covered information
6 that the school collects, maintains, or discloses to any
7 person, entity, third party, or governmental agency. The
8 information must explain how the school uses, to whom or
9 what entities it discloses, and for what purpose it
10 discloses the covered information.

11 (2) A list of operators that the school has written
12 agreements with, a copy of each written agreement, and a
13 business address for each operator. A copy of a written
14 agreement posted or made available by a school under this
15 paragraph may contain redactions, as provided under
16 subparagraph (F) of paragraph (4) of Section 15.

17 (3) For each operator, a list of any subcontractors to
18 whom covered information may be disclosed or a link to a
19 page on the operator's website that clearly lists that
20 information, as provided by the operator to the school
21 under paragraph (6) of Section 15.

22 (4) A written description of the procedures that a
23 parent may use to carry out the rights enumerated under
24 Section 33.

25 (5) A list of any breaches of covered information
26 maintained by the school or breaches under Section 15 that

1 includes, but is not limited to, all of the following
2 information:

3 (A) The number of students whose covered
4 information is involved in the breach, unless
5 disclosing that number would violate the provisions of
6 the Personal Information Protection Act.

7 (B) The date, estimated date, or estimated date
8 range of the breach.

9 (C) For a breach under Section 15, the name of the
10 operator.

11 The school may omit from the list required under this
12 paragraph (5): (i) any breach in which, to the best of the
13 school's knowledge at the time of updating the list, the
14 number of students whose covered information is involved in
15 the breach is less than 10% of the school's enrollment,
16 (ii) any breach in which, at the time of posting the list,
17 the school is not required to notify the parent of a
18 student under subsection (d), (iii) any breach in which the
19 date, estimated date, or estimated date range in which it
20 occurred is earlier than July 1, 2021, or (iv) any breach
21 previously posted on a list under this paragraph (5) no
22 more than 5 years prior to the school updating the current
23 list.

24 The school must, at a minimum, update the items under
25 paragraphs (1), (3), (4), and (5) no later than 30 calendar
26 days following the start of a fiscal year and no later than 30

1 days following the beginning of a calendar year.

2 (b) Each school must adopt a policy for designating which
3 school employees are authorized to enter into written
4 agreements with operators. This subsection may not be construed
5 to limit individual school employees outside of the scope of
6 their employment from entering into agreements with operators
7 on their own behalf and for non-K through 12 school purposes,
8 provided that no covered information is provided to the
9 operators. Any agreement or contract entered into in violation
10 of this Act is void and unenforceable as against public policy.

11 (c) A school must post on its website or, if the school
12 does not maintain a website, make available at its
13 administrative office for inspection by the general public each
14 written agreement entered into under this Act, along with any
15 information required under subsection (a), no later than 10
16 business days after entering into the agreement.

17 (d) After receipt of notice of a breach under Section 15 or
18 determination of a breach of covered information maintained by
19 the school, a school shall notify, no later than 30 calendar
20 days after receipt of the notice or determination that a breach
21 has occurred, the parent of any student whose covered
22 information is involved in the breach. The notification must
23 include, but is not limited to, all of the following:

24 (1) The date, estimated date, or estimated date range
25 of the breach.

26 (2) A description of the covered information that was

1 compromised or reasonably believed to have been
2 compromised in the breach.

3 (3) Information that the parent may use to contact the
4 operator and school to inquire about the breach.

5 (4) The toll-free numbers, addresses, and websites for
6 consumer reporting agencies.

7 (5) The toll-free number, address, and website for the
8 Federal Trade Commission.

9 (6) A statement that the parent may obtain information
10 from the Federal Trade Commission and consumer reporting
11 agencies about fraud alerts and security freezes.

12 A notice of breach required under this subsection may be
13 delayed if an appropriate law enforcement agency determines
14 that the notification will interfere with a criminal
15 investigation and provides the school with a written request
16 for a delay of notice. A school must comply with the
17 notification requirements as soon as the notification will no
18 longer interfere with the investigation.

19 (e) Each school must implement and maintain reasonable
20 security procedures and practices that otherwise meet or exceed
21 industry standards designed to protect covered information
22 from unauthorized access, destruction, use, modification, or
23 disclosure. Any written agreement under which the disclosure of
24 covered information between the school and a third party takes
25 place must include a provision requiring the entity to whom the
26 covered information is disclosed to implement and maintain

1 reasonable security procedures and practices that otherwise
2 meet or exceed industry standards designed to protect covered
3 information from unauthorized access, destruction, use,
4 modification, or disclosure. The State Board must make
5 available on its website a guidance document for schools
6 pertaining to reasonable security procedures and practices
7 under this subsection.

8 (f) Each school may designate an appropriate staff person
9 as a privacy officer, who may also be an official records
10 custodian as designated under the Illinois School Student
11 Records Act, to carry out the duties and responsibilities
12 assigned to schools and to ensure compliance with the
13 requirements of this Section and Section 26.

14 (g) A school shall make a request, pursuant to paragraph
15 (2) of Section 15, to an operator to delete covered information
16 on behalf of a student's parent if the parent requests from the
17 school that the student's covered information held by the
18 operator be deleted, so long as the deletion of the covered
19 information is not in violation of State or federal records
20 laws.

21 (h) This Section does not apply to nonpublic schools.

22 (Source: P.A. 101-516, eff. 7-1-21; revised 12-3-19.)

23 Section 305. The Dual Credit Quality Act is amended by
24 changing Section 20 as follows:

1 (110 ILCS 27/20)

2 Sec. 20. Standards. All institutions offering dual credit
3 courses shall meet the following standards:

4 (1) High school instructors teaching credit-bearing
5 college-level courses for dual credit must meet any of the
6 academic credential requirements set forth in this
7 paragraph or paragraph ~~(1)~~, (2)~~7~~ or (3) of this Section and
8 need not meet higher certification requirements or those
9 set out in Article 21B of the School Code:

10 (A) Approved instructors of dual credit courses
11 shall meet any of the faculty credential standards
12 allowed by the Higher Learning Commission to determine
13 minimally qualified faculty. At the request of an
14 instructor, an instructor who meets these credential
15 standards shall be provided by the State Board of
16 Education with a Dual Credit Endorsement, to be placed
17 on the professional educator license, as established
18 by the State Board of Education and as authorized under
19 Article 21B of the School Code and promulgated through
20 administrative rule in cooperation with the Illinois
21 Community College Board and the Board of Higher
22 Education.

23 (B) An instructor who does not meet the faculty
24 credential standards allowed by the Higher Learning
25 Commission to determine minimally qualified faculty
26 may teach dual credit courses if the instructor has a

1 professional development plan, approved by the
2 institution and shared with the State Board of
3 Education, within 4 years of January 1, 2019 (the
4 effective date of Public Act 100-1049) ~~this amendatory~~
5 ~~Act of the 100th General Assembly~~, to raise his or her
6 credentials to be in line with the credentials under
7 subparagraph (A) of this paragraph (1). The
8 institution shall have 30 days to review the plan and
9 approve an instructor professional development plan
10 that is in line with the credentials set forth in
11 paragraph (2) of this Section. The institution shall
12 not unreasonably withhold approval of a professional
13 development plan. These approvals shall be good for as
14 long as satisfactory progress toward the completion of
15 the credential is demonstrated, but in no event shall a
16 professional development plan be in effect for more
17 than 3 years from the date of its approval. A high
18 school instructor whose professional development plan
19 is not approved by the institution may appeal to the
20 Illinois Community College Board or the Board of Higher
21 Education, as appropriate.

22 (C) The Illinois Community College Board shall
23 report yearly on its Internet website the number of
24 teachers who have approved professional development
25 plans under this Section.

26 (2) A high school instructor shall qualify for a

1 professional development plan if the instructor:

2 (A) has a master's degree in any discipline and has
3 earned 9 graduate hours in a discipline in which he or
4 she is currently teaching or expects to teach; or

5 (B) has a bachelor's degree with a minimum of 18
6 graduate hours in a discipline that he or she is
7 currently teaching or expects to teach and is enrolled
8 in a discipline-specific master's degree program; and

9 (C) agrees to demonstrate his or her progress
10 toward completion to the supervising institution, as
11 outlined in the professional development plan.

12 (3) An instructor in career and technical education
13 courses must possess the credentials and demonstrated
14 teaching competencies appropriate to the field of
15 instruction.

16 (4) Course content must be equivalent to
17 credit-bearing college-level courses offered at the
18 community college.

19 (5) Learning outcomes must be the same as
20 credit-bearing college-level courses and be appropriately
21 measured.

22 (6) A high school instructor is expected to participate
23 in any orientation developed by the institution for dual
24 credit instructors in course curriculum, assessment
25 methods, and administrative requirements.

26 (7) Dual credit instructors must be given the

1 opportunity to participate in all activities available to
2 other adjunct faculty, including professional development,
3 seminars, site visits, and internal communication,
4 provided that such opportunities do not interfere with an
5 instructor's regular teaching duties.

6 (8) Every dual credit course must be reviewed annually
7 by faculty through the appropriate department to ensure
8 consistency with campus courses.

9 (9) Dual credit students must be assessed using methods
10 consistent with students in traditional credit-bearing
11 college courses.

12 (Source: P.A. 100-1049, eff. 1-1-19; revised 7-16-19.)

13 Section 310. The Higher Education Veterans Service Act is
14 amended by changing Section 15 as follows:

15 (110 ILCS 49/15)

16 Sec. 15. Survey; coordinator; best practices report; best
17 efforts.

18 (a) All public colleges and universities shall, within 60
19 days after the effective date of this Act, conduct a survey of
20 the services and programs that are provided for veterans,
21 active duty military personnel, and their families, at each of
22 their respective campuses. This survey shall enumerate and
23 fully describe the service or program that is available, the
24 number of veterans or active duty personnel using the service

1 or program, an estimated range for potential use within a
2 5-year and 10-year period, information on the location of the
3 service or program, and how its administrators may be
4 contacted. The survey shall indicate the manner or manners in
5 which a student veteran may avail himself or herself of the
6 program's services. This survey must be made available to all
7 veterans matriculating at the college or university in the form
8 of an orientation-related guidebook.

9 Each public college and university shall make the survey
10 available on the homepage of all campus Internet links as soon
11 as practical after the completion of the survey. As soon as
12 possible after the completion of the survey, each public
13 college and university shall provide a copy of its survey to
14 the following:

15 (1) the Board of Higher Education;

16 (2) the Department of Veterans' Affairs;

17 (3) the President and Minority Leader of the Senate and
18 the Speaker and Minority Leader of the House of
19 Representatives; and

20 (4) the Governor.

21 (b) Each public college and university shall, at its
22 discretion, (i) appoint, within 6 months after the effective
23 date of this Act, an existing employee or (ii) hire a new
24 employee to serve as a Coordinator of Veterans and Military
25 Personnel Student Services on each campus of the college or
26 university that has an onsite, daily, full-time student

1 headcount above 1,000 students.

2 The Coordinator of Veterans and Military Personnel Student
3 Services shall be an ombudsperson serving the specific needs of
4 student veterans and military personnel and their families and
5 shall serve as an advocate before the administration of the
6 college or university for the needs of student veterans. The
7 college or university shall enable the Coordinator of Veterans
8 and Military Personnel Student Services to communicate
9 directly with the senior executive administration of the
10 college or university periodically. The college or university
11 shall retain unfettered discretion to determine the
12 organizational management structure of its institution.

13 In addition to any responsibilities the college or
14 university may assign, the Coordinator of Veterans and Military
15 Personnel Student Services shall make its best efforts to
16 create a centralized source for student veterans and military
17 personnel to learn how to receive all benefit programs and
18 services for which they are eligible.

19 Each college and university campus that is required to have
20 a Coordinator of Veterans and Military Personnel Student
21 Services shall regularly and conspicuously advertise the
22 office location and phone number of and Internet access to
23 the Coordinator of Veterans and Military Personnel Student
24 Services, along with a brief summary of the manner in which he
25 or she can assist student veterans. The advertisement shall
26 include, but is not necessarily limited to, the following:

1 (1) advertisements on each campus' Internet home page;

2 and

3 (2) any promotional mailings for student application.

4 The Coordinator of Veterans and Military Personnel Student
5 Services shall facilitate other campus offices with the
6 promotion of programs and services that are available.

7 (c) Upon receipt of all of the surveys under subsection (a)
8 of this Section, the Board of Higher Education and the
9 Department of Veterans' Affairs shall conduct a joint review of
10 the surveys and post, on any Internet home page they may
11 operate, a link to each survey as posted on the Internet
12 website for the college or university. Upon receipt of all of
13 the surveys, the Office of the Governor, through its military
14 affairs advisors, shall similarly conduct a review of the
15 surveys and post the surveys on its Internet website. Following
16 its review of the surveys, the Office of the Governor shall
17 submit an evaluation report to each college and university
18 offering suggestions and insight on the conduct of student
19 veteran-related policies and programs.

20 (d) The Board of Higher Education and the Department of
21 Veterans' Affairs may issue a best practices report to
22 highlight those programs and services that are most beneficial
23 to veterans and active duty military personnel. The report
24 shall contain a fiscal needs assessment in conjunction with any
25 program recommendations.

26 (e) Each college and university campus that is required to

1 have a Coordinator of Veterans and Military Personnel Student
2 Services under subsection (b) of this Section shall make its
3 best efforts to create academic and social programs and
4 services for veterans and active duty military personnel that
5 will provide reasonable opportunities for academic performance
6 and success.

7 Each public college and university shall make its best
8 efforts to determine how its online educational curricula can
9 be expanded or altered to serve the needs of student veterans
10 and currently-deployed military, including a determination of
11 whether and to what extent the public colleges and universities
12 can share existing technologies to improve the online curricula
13 of peer institutions, provided such efforts are both
14 practically and economically feasible.

15 (Source: P.A. 96-133, eff. 8-7-09; revised 7-16-19.)

16 Section 315. The Public University Energy Conservation Act
17 is amended by changing Section 5 as follows:

18 (110 ILCS 62/5)

19 Sec. 5. Definitions. In this Act, l words and phrases have
20 the meanings set forth in the following Sections preceding
21 Section 10.

22 (Source: P.A. 90-486, eff. 8-17-97; revised 7-16-19.)

23 Section 320. The University of Illinois Act is amended by

1 setting forth, renumbering, and changing multiple versions of
2 Section 105 as follows:

3 (110 ILCS 305/105)

4 Sec. 105. Mental health resources. For the 2020-2021
5 academic year and for each academic year thereafter, the
6 University must make available to its students information on
7 all mental health and suicide prevention resources available at
8 the University.

9 (Source: P.A. 101-217, eff. 1-1-20.)

10 (110 ILCS 305/110)

11 Sec. 110 ~~105~~. Competency-based learning program; notice.
12 If the University offers a competency-based learning program,
13 it must notify a student if he or she becomes eligible for the
14 program.

15 (Source: P.A. 101-271, eff. 1-1-20; revised 10-21-19.)

16 (110 ILCS 305/115)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 115 ~~105~~. Water rates report.

19 (a) Subject to appropriation, no later than December 1,
20 2020, the Government Finance Research Center at the University
21 of Illinois at Chicago, in coordination with an
22 intergovernmental advisory committee, must issue a report
23 evaluating the setting of water rates throughout the Lake

1 Michigan service area of northeastern Illinois and, no later
2 than December 1, 2021, for the remainder of Illinois. The
3 report must provide recommendations for policy and regulatory
4 needs at the State and local level based on its findings. The
5 report shall, at a minimum, address all of the following areas:

6 (1) The components of a water bill.

7 (2) Reasons for increases in water rates.

8 (3) The definition of affordability throughout the
9 State and any variances to that definition.

10 (4) Evidence of rate-setting that utilizes
11 inappropriate practices.

12 (5) The extent to which State or local policies drive
13 cost increases or variations in rate-settings.

14 (6) Challenges within economically disadvantaged
15 communities in setting water rates.

16 (7) Opportunities for increased intergovernmental
17 coordination for setting equitable water rates.

18 (b) In developing the report under this Section, the
19 Government Finance Research Center shall form an advisory
20 committee, which shall be composed of all of the following
21 members:

22 (1) The Director of the Environmental Protection
23 Agency, or his or her designee.

24 (2) The Director of Natural Resources, or his or her
25 designee.

26 (3) The Director of Commerce and Economic Opportunity,

1 or his or her designee.

2 (4) The Attorney General, or his or her designee.

3 (5) At least 2 members who are representatives of
4 private water utilities operating in Illinois, appointed
5 by the Director of the Government Finance Research Center.

6 (6) At least 4 members who are representatives of
7 municipal water utilities, appointed by the Director of the
8 Government Finance Research Center.

9 (7) One member who is a representative of an
10 environmental justice advocacy organization, appointed by
11 the Director of the Government Finance Research Center.

12 (8) One member who is a representative of a consumer
13 advocacy organization, appointed by the Director of the
14 Government Finance Research Center.

15 (9) One member who is a representative of an
16 environmental planning organization that serves
17 northeastern Illinois, appointed by the Director of the
18 Government Finance Research Center.

19 (10) The Director of the Illinois State Water Survey,
20 or his or her designee.

21 (11) The Chairperson of the Illinois Commerce
22 Commission, or his or her designee.

23 (c) After all members are appointed, the committee shall
24 hold its first meeting at the call of the Director of the
25 Government Finance Research Center, at which meeting the
26 members shall select a chairperson from among themselves. After

1 its first meeting, the committee shall meet at the call of the
2 chairperson. Members of the committee shall serve without
3 compensation but may be reimbursed for their reasonable and
4 necessary expenses incurred in performing their duties. The
5 Government Finance Research Center shall provide
6 administrative and other support to the committee.

7 (d) No later than 60 days after August 23, 2019 (the
8 effective date of Public Act 101-562) ~~this amendatory Act of~~
9 ~~the 101st General Assembly~~, the Government Finance Research
10 Center must provide an opportunity for public comment on the
11 questions to be addressed in the report, the metrics to be
12 used, and the recommendations that need to be issued.

13 (e) This Section is repealed on January 1, 2022.

14 (Source: P.A. 101-562, eff. 8-23-19; revised 10-21-19.)

15 Section 325. The University of Illinois Hospital Act is
16 amended by setting forth, renumbering, and changing multiple
17 versions of Section 8b as follows:

18 (110 ILCS 330/8b)

19 Sec. 8b. Instruments for taking a pregnant woman's blood
20 pressure. The University of Illinois Hospital shall ensure that
21 it has the proper instruments available for taking a pregnant
22 woman's blood pressure. The Department of Public Health shall
23 adopt rules for the implementation of this Section.

24 (Source: P.A. 101-91, eff. 1-1-20.)

1 (110 ILCS 330/8c)

2 Sec. 8c ~~8b~~. Closed captioning required. The University of
3 Illinois Hospital must make reasonable efforts to have
4 activated at all times the closed captioning feature on a
5 television in a common area provided for use by the general
6 public or in a patient's room or to enable the closed
7 captioning feature when requested to do so by a member of the
8 general public or a patient if the television includes a closed
9 captioning feature.

10 It is not a violation of this Section if the closed
11 captioning feature is deactivated by a member of the University
12 of Illinois Hospital's staff after such feature is enabled in a
13 common area or in a patient's room unless the deactivation of
14 the closed captioning feature is knowing or intentional. It is
15 not a violation of this Section if the closed captioning
16 feature is deactivated by a member of the general public, a
17 patient, or a member of the University of Illinois Hospital's
18 staff at the request of a patient of the University of Illinois
19 Hospital.

20 If the University of Illinois Hospital does not have a
21 television that includes a closed captioning feature, then the
22 University of Illinois Hospital must ensure that all
23 televisions obtained for common areas and patient rooms after
24 January 1, 2020 (the effective date of Public Act 101-116) ~~this~~
25 ~~amendatory Act of the 101st General Assembly~~ include a closed

1 captioning feature. This Section does not affect any other
2 provision of law relating to disability discrimination or
3 providing reasonable accommodations or diminish the rights of a
4 person with a disability under any other law.

5 As used in this Section, "closed captioning" means a text
6 display of spoken words presented on a television that allows a
7 deaf or hard of hearing viewer to follow the dialogue and the
8 action of a program simultaneously.

9 (Source: P.A. 101-116, eff. 1-1-20; revised 9-17-19.)

10 Section 330. The Southern Illinois University Management
11 Act is amended by setting forth and renumbering multiple
12 versions of Section 90 as follows:

13 (110 ILCS 520/90)

14 Sec. 90. Mental health resources. For the 2020-2021
15 academic year and for each academic year thereafter, the
16 University must make available to its students information on
17 all mental health and suicide prevention resources available at
18 the University.

19 (Source: P.A. 101-217, eff. 1-1-20.)

20 (110 ILCS 520/95)

21 Sec. 95 ~~90~~. Competency-based learning program; notice. If
22 the University offers a competency-based learning program, it
23 must notify a student if he or she becomes eligible for the

1 program.

2 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

3 Section 335. The Chicago State University Law is amended by
4 setting forth and renumbering multiple versions of Section
5 5-200 as follows:

6 (110 ILCS 660/5-200)

7 Sec. 5-200. Mental health resources. For the 2020-2021
8 academic year for and each academic year thereafter, the
9 University must make available to its students information on
10 all mental health and suicide prevention resources available at
11 the University.

12 (Source: P.A. 101-217, eff. 1-1-20.)

13 (110 ILCS 660/5-205)

14 Sec. 5-205 ~~5-200~~. Competency-based learning program;
15 notice. If the University offers a competency-based learning
16 program, it must notify a student if he or she becomes eligible
17 for the program.

18 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

19 Section 340. The Eastern Illinois University Law is amended
20 by setting forth and renumbering multiple versions of Section
21 10-200 as follows:

1 (110 ILCS 665/10-200)

2 Sec. 10-200. Mental health resources. For the 2020-2021
3 academic year and for each academic year thereafter, the
4 University must make available to its students information on
5 all mental health and suicide prevention resources available at
6 the University.

7 (Source: P.A. 101-217, eff. 1-1-20.)

8 (110 ILCS 665/10-205)

9 Sec. 10-205 ~~10-200~~. Competency-based learning program;
10 notice. If the University offers a competency-based learning
11 program, it must notify a student if he or she becomes eligible
12 for the program.

13 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

14 Section 345. The Governors State University Law is amended
15 by setting forth and renumbering multiple versions of Section
16 15-200 as follows:

17 (110 ILCS 670/15-200)

18 Sec. 15-200. Mental health resources. For the 2020-2021
19 academic year and for each academic year thereafter, the
20 University must make available to its students information on
21 all mental health and suicide prevention resources available at
22 the University.

23 (Source: P.A. 101-217, eff. 1-1-20.)

1 (110 ILCS 670/15-205)

2 Sec. 15-205 ~~15-200~~. Competency-based learning program;
3 notice. If the University offers a competency-based learning
4 program, it must notify a student if he or she becomes eligible
5 for the program.

6 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

7 Section 350. The Illinois State University Law is amended
8 by setting forth and renumbering changing multiple versions of
9 Section 20-205 as follows:

10 (110 ILCS 675/20-205)

11 Sec. 20-205. Mental health resources. For the 2020-2021
12 academic year and for each academic year thereafter, the
13 University must make available to its students information on
14 all mental health and suicide prevention resources available at
15 the University.

16 (Source: P.A. 101-217, eff. 1-1-20.)

17 (110 ILCS 675/20-210)

18 Sec. 20-210 ~~20-205~~. Competency-based learning program;
19 notice. If the University offers a competency-based learning
20 program, it must notify a student if he or she becomes eligible
21 for the program.

22 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

1 Section 355. The Northeastern Illinois University Law is
2 amended by setting forth and renumbering multiple versions of
3 Section 25-200 as follows:

4 (110 ILCS 680/25-200)

5 Sec. 25-200. Mental health resources. For the 2020-2021
6 academic year and for each academic year thereafter, the
7 University must make available to its students information on
8 all mental health and suicide prevention resources available at
9 the University.

10 (Source: P.A. 101-217, eff. 1-1-20.)

11 (110 ILCS 680/25-205)

12 Sec. 25-205 ~~25-200~~. Competency-based learning program;
13 notice. If the University offers a competency-based learning
14 program, it must notify a student if he or she becomes eligible
15 for the program.

16 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

17 Section 360. The Northern Illinois University Law is
18 amended by setting forth and renumbering multiple versions of
19 Section 30-210 as follows:

20 (110 ILCS 685/30-210)

21 Sec. 30-210. Mental health resources. For the 2020-2021

1 academic year and for each academic year thereafter, the
2 University must make available to its students information on
3 all mental health and suicide prevention resources available at
4 the University.

5 (Source: P.A. 101-217, eff. 1-1-20.)

6 (110 ILCS 685/30-215)

7 Sec. 30-215 ~~30-210~~. Competency-based learning program;
8 notice. If the University offers a competency-based learning
9 program, it must notify a student if he or she becomes eligible
10 for the program.

11 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

12 Section 365. The Western Illinois University Law is amended
13 by setting forth and renumbering multiple versions of Section
14 35-205 as follows:

15 (110 ILCS 690/35-205)

16 Sec. 35-205. Mental health resources. For the 2020-2021
17 academic year and for each academic year thereafter, the
18 University must make available to its students information on
19 all mental health and suicide prevention resources available at
20 the University.

21 (Source: P.A. 101-217, eff. 1-1-20.)

22 (110 ILCS 690/35-210)

1 Sec. 35-210 ~~35-205~~. Competency-based learning program;
2 notice. If the University offers a competency-based learning
3 program, it must notify a student if he or she becomes eligible
4 for the program.

5 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

6 Section 370. The Illinois Banking Act is amended by
7 changing Section 48 as follows:

8 (205 ILCS 5/48)

9 Sec. 48. Secretary's powers; duties. The Secretary shall
10 have the powers and authority, and is charged with the duties
11 and responsibilities designated in this Act, and a State bank
12 shall not be subject to any other visitorial power other than
13 as authorized by this Act, except those vested in the courts,
14 or upon prior consultation with the Secretary, a foreign bank
15 regulator with an appropriate supervisory interest in the
16 parent or affiliate of a state bank. In the performance of the
17 Secretary's duties:

18 (1) The Commissioner shall call for statements from all
19 State banks as provided in Section 47 at least one time
20 during each calendar quarter.

21 (2) (a) The Commissioner, as often as the Commissioner
22 shall deem necessary or proper, and no less frequently than
23 18 months following the preceding examination, shall
24 appoint a suitable person or persons to make an examination

1 of the affairs of every State bank, except that for every
2 eligible State bank, as defined by regulation, the
3 Commissioner in lieu of the examination may accept on an
4 alternating basis the examination made by the eligible
5 State bank's appropriate federal banking agency pursuant
6 to Section 111 of the Federal Deposit Insurance Corporation
7 Improvement Act of 1991, provided the appropriate federal
8 banking agency has made such an examination. A person so
9 appointed shall not be a stockholder or officer or employee
10 of any bank which that person may be directed to examine,
11 and shall have powers to make a thorough examination into
12 all the affairs of the bank and in so doing to examine any
13 of the officers or agents or employees thereof on oath and
14 shall make a full and detailed report of the condition of
15 the bank to the Commissioner. In making the examination the
16 examiners shall include an examination of the affairs of
17 all the affiliates of the bank, as defined in subsection
18 (b) of Section 35.2 of this Act, or subsidiaries of the
19 bank as shall be necessary to disclose fully the conditions
20 of the subsidiaries or affiliates, the relations between
21 the bank and the subsidiaries or affiliates and the effect
22 of those relations upon the affairs of the bank, and in
23 connection therewith shall have power to examine any of the
24 officers, directors, agents, or employees of the
25 subsidiaries or affiliates on oath. After May 31, 1997, the
26 Commissioner may enter into cooperative agreements with

1 state regulatory authorities of other states to provide for
2 examination of State bank branches in those states, and the
3 Commissioner may accept reports of examinations of State
4 bank branches from those state regulatory authorities.
5 These cooperative agreements may set forth the manner in
6 which the other state regulatory authorities may be
7 compensated for examinations prepared for and submitted to
8 the Commissioner.

9 (b) After May 31, 1997, the Commissioner is authorized
10 to examine, as often as the Commissioner shall deem
11 necessary or proper, branches of out-of-state banks. The
12 Commissioner may establish and may assess fees to be paid
13 to the Commissioner for examinations under this subsection
14 (b). The fees shall be borne by the out-of-state bank,
15 unless the fees are borne by the state regulatory authority
16 that chartered the out-of-state bank, as determined by a
17 cooperative agreement between the Commissioner and the
18 state regulatory authority that chartered the out-of-state
19 bank.

20 (2.1) Pursuant to paragraph (a) of subsection (6) of
21 this Section, the Secretary shall adopt rules that ensure
22 consistency and due process in the examination process. The
23 Secretary may also establish guidelines that (i) define the
24 scope of the examination process and (ii) clarify
25 examination items to be resolved. The rules, formal
26 guidance, interpretive letters, or opinions furnished to

1 State banks by the Secretary may be relied upon by the
2 State banks.

3 (2.5) Whenever any State bank, any subsidiary or
4 affiliate of a State bank, or after May 31, 1997, any
5 branch of an out-of-state bank causes to be performed, by
6 contract or otherwise, any bank services for itself,
7 whether on or off its premises:

8 (a) that performance shall be subject to
9 examination by the Commissioner to the same extent as
10 if services were being performed by the bank or, after
11 May 31, 1997, branch of the out-of-state bank itself on
12 its own premises; and

13 (b) the bank or, after May 31, 1997, branch of the
14 out-of-state bank shall notify the Commissioner of the
15 existence of a service relationship. The notification
16 shall be submitted with the first statement of
17 condition (as required by Section 47 of this Act) due
18 after the making of the service contract or the
19 performance of the service, whichever occurs first.
20 The Commissioner shall be notified of each subsequent
21 contract in the same manner.

22 For purposes of this subsection (2.5), the term "bank
23 services" means services such as sorting and posting of
24 checks and deposits, computation and posting of interest
25 and other credits and charges, preparation and mailing of
26 checks, statements, notices, and similar items, or any

1 other clerical, bookkeeping, accounting, statistical, or
2 similar functions performed for a State bank, including,
3 but not limited to, electronic data processing related to
4 those bank services.

5 (3) The expense of administering this Act, including
6 the expense of the examinations of State banks as provided
7 in this Act, shall to the extent of the amounts resulting
8 from the fees provided for in paragraphs (a), (a-2), and
9 (b) of this subsection (3) be assessed against and borne by
10 the State banks:

11 (a) Each bank shall pay to the Secretary a Call
12 Report Fee which shall be paid in quarterly
13 installments equal to one-fourth of the sum of the
14 annual fixed fee of \$800, plus a variable fee based on
15 the assets shown on the quarterly statement of
16 condition delivered to the Secretary in accordance
17 with Section 47 for the preceding quarter according to
18 the following schedule: 16¢ per \$1,000 of the first
19 \$5,000,000 of total assets, 15¢ per \$1,000 of the next
20 \$20,000,000 of total assets, 13¢ per \$1,000 of the next
21 \$75,000,000 of total assets, 9¢ per \$1,000 of the next
22 \$400,000,000 of total assets, 7¢ per \$1,000 of the next
23 \$500,000,000 of total assets, and 5¢ per \$1,000 of all
24 assets in excess of \$1,000,000,000, of the State bank.
25 The Call Report Fee shall be calculated by the
26 Secretary and billed to the banks for remittance at the

1 time of the quarterly statements of condition provided
2 for in Section 47. The Secretary may require payment of
3 the fees provided in this Section by an electronic
4 transfer of funds or an automatic debit of an account
5 of each of the State banks. In case more than one
6 examination of any bank is deemed by the Secretary to
7 be necessary in any examination frequency cycle
8 specified in subsection 2(a) of this Section, and is
9 performed at his direction, the Secretary may assess a
10 reasonable additional fee to recover the cost of the
11 additional examination. In lieu of the method and
12 amounts set forth in this paragraph (a) for the
13 calculation of the Call Report Fee, the Secretary may
14 specify by rule that the Call Report Fees provided by
15 this Section may be assessed semiannually or some other
16 period and may provide in the rule the formula to be
17 used for calculating and assessing the periodic Call
18 Report Fees to be paid by State banks.

19 (a-1) If in the opinion of the Commissioner an
20 emergency exists or appears likely, the Commissioner
21 may assign an examiner or examiners to monitor the
22 affairs of a State bank with whatever frequency he
23 deems appropriate, including, but not limited to, a
24 daily basis. The reasonable and necessary expenses of
25 the Commissioner during the period of the monitoring
26 shall be borne by the subject bank. The Commissioner

1 shall furnish the State bank a statement of time and
2 expenses if requested to do so within 30 days of the
3 conclusion of the monitoring period.

4 (a-2) On and after January 1, 1990, the reasonable
5 and necessary expenses of the Commissioner during
6 examination of the performance of electronic data
7 processing services under subsection (2.5) shall be
8 borne by the banks for which the services are provided.
9 An amount, based upon a fee structure prescribed by the
10 Commissioner, shall be paid by the banks or, after May
11 31, 1997, branches of out-of-state banks receiving the
12 electronic data processing services along with the
13 Call Report Fee assessed under paragraph (a) of this
14 subsection (3).

15 (a-3) After May 31, 1997, the reasonable and
16 necessary expenses of the Commissioner during
17 examination of the performance of electronic data
18 processing services under subsection (2.5) at or on
19 behalf of branches of out-of-state banks shall be borne
20 by the out-of-state banks, unless those expenses are
21 borne by the state regulatory authorities that
22 chartered the out-of-state banks, as determined by
23 cooperative agreements between the Commissioner and
24 the state regulatory authorities that chartered the
25 out-of-state banks.

26 (b) "Fiscal year" for purposes of this Section 48

1 is defined as a period beginning July 1 of any year and
2 ending June 30 of the next year. The Commissioner shall
3 receive for each fiscal year, commencing with the
4 fiscal year ending June 30, 1987, a contingent fee
5 equal to the lesser of the aggregate of the fees paid
6 by all State banks under paragraph (a) of subsection
7 (3) for that year, or the amount, if any, whereby the
8 aggregate of the administration expenses, as defined
9 in paragraph (c), for that fiscal year exceeds the sum
10 of the aggregate of the fees payable by all State banks
11 for that year under paragraph (a) of subsection (3),
12 plus any amounts transferred into the Bank and Trust
13 Company Fund from the State Pensions Fund for that
14 year, plus all other amounts collected by the
15 Commissioner for that year under any other provision of
16 this Act, plus the aggregate of all fees collected for
17 that year by the Commissioner under the Corporate
18 Fiduciary Act, excluding the receivership fees
19 provided for in Section 5-10 of the Corporate Fiduciary
20 Act, and the Foreign Banking Office Act. The aggregate
21 amount of the contingent fee thus arrived at for any
22 fiscal year shall be apportioned amongst, assessed
23 upon, and paid by the State banks and foreign banking
24 corporations, respectively, in the same proportion
25 that the fee of each under paragraph (a) of subsection
26 (3), respectively, for that year bears to the aggregate

1 for that year of the fees collected under paragraph (a)
2 of subsection (3). The aggregate amount of the
3 contingent fee, and the portion thereof to be assessed
4 upon each State bank and foreign banking corporation,
5 respectively, shall be determined by the Commissioner
6 and shall be paid by each, respectively, within 120
7 days of the close of the period for which the
8 contingent fee is computed and is payable, and the
9 Commissioner shall give 20 days' advance notice of the
10 amount of the contingent fee payable by the State bank
11 and of the date fixed by the Commissioner for payment
12 of the fee.

13 (c) The "administration expenses" for any fiscal
14 year shall mean the ordinary and contingent expenses
15 for that year incident to making the examinations
16 provided for by, and for otherwise administering, this
17 Act, the Corporate Fiduciary Act, excluding the
18 expenses paid from the Corporate Fiduciary
19 Receivership account in the Bank and Trust Company
20 Fund, the Foreign Banking Office Act, the Electronic
21 Fund Transfer Act, and the Illinois Bank Examiners'
22 Education Foundation Act, including all salaries and
23 other compensation paid for personal services rendered
24 for the State by officers or employees of the State,
25 including the Commissioner and the Deputy
26 Commissioners, communication equipment and services,

1 office furnishings, surety bond premiums, and travel
2 expenses of those officers and employees, employees,
3 expenditures or charges for the acquisition,
4 enlargement or improvement of, or for the use of, any
5 office space, building, or structure, or expenditures
6 for the maintenance thereof or for furnishing heat,
7 light, or power with respect thereto, all to the extent
8 that those expenditures are directly incidental to
9 such examinations or administration. The Commissioner
10 shall not be required by paragraphs (c) or (d-1) of
11 this subsection (3) to maintain in any fiscal year's
12 budget appropriated reserves for accrued vacation and
13 accrued sick leave that is required to be paid to
14 employees of the Commissioner upon termination of
15 their service with the Commissioner in an amount that
16 is more than is reasonably anticipated to be necessary
17 for any anticipated turnover in employees, whether due
18 to normal attrition or due to layoffs, terminations, or
19 resignations.

20 (d) The aggregate of all fees collected by the
21 Secretary under this Act, the Corporate Fiduciary Act,
22 or the Foreign Banking Office Act on and after July 1,
23 1979, shall be paid promptly after receipt of the same,
24 accompanied by a detailed statement thereof, into the
25 State treasury and shall be set apart in a special fund
26 to be known as the "Bank and Trust Company Fund",

1 except as provided in paragraph (c) of subsection (11)
2 of this Section. All earnings received from
3 investments of funds in the Bank and Trust Company Fund
4 shall be deposited in the Bank and Trust Company Fund
5 and may be used for the same purposes as fees deposited
6 in that Fund. The amount from time to time deposited
7 into the Bank and Trust Company Fund shall be used: (i)
8 to offset the ordinary administrative expenses of the
9 Secretary as defined in this Section or (ii) as a
10 credit against fees under paragraph (d-1) of this
11 subsection (3). Nothing in Public Act 81-131 shall
12 prevent continuing the practice of paying expenses
13 involving salaries, retirement, social security, and
14 State-paid insurance premiums of State officers by
15 appropriations from the General Revenue Fund. However,
16 the General Revenue Fund shall be reimbursed for those
17 payments made on and after July 1, 1979, by an annual
18 transfer of funds from the Bank and Trust Company Fund.
19 Moneys in the Bank and Trust Company Fund may be
20 transferred to the Professions Indirect Cost Fund, as
21 authorized under Section 2105-300 of the Department of
22 Professional Regulation Law of the Civil
23 Administrative Code of Illinois.

24 Notwithstanding provisions in the State Finance
25 Act, as now or hereafter amended, or any other law to
26 the contrary, the Governor may, during any fiscal year

1 through January 10, 2011, from time to time direct the
2 State Treasurer and Comptroller to transfer a
3 specified sum not exceeding 10% of the revenues to be
4 deposited into the Bank and Trust Company Fund during
5 that fiscal year from that Fund to the General Revenue
6 Fund in order to help defray the State's operating
7 costs for the fiscal year. Notwithstanding provisions
8 in the State Finance Act, as now or hereafter amended,
9 or any other law to the contrary, the total sum
10 transferred during any fiscal year through January 10,
11 2011, from the Bank and Trust Company Fund to the
12 General Revenue Fund pursuant to this provision shall
13 not exceed during any fiscal year 10% of the revenues
14 to be deposited into the Bank and Trust Company Fund
15 during that fiscal year. The State Treasurer and
16 Comptroller shall transfer the amounts designated
17 under this Section as soon as may be practicable after
18 receiving the direction to transfer from the Governor.

19 (d-1) Adequate funds shall be available in the Bank
20 and Trust Company Fund to permit the timely payment of
21 administration expenses. In each fiscal year the total
22 administration expenses shall be deducted from the
23 total fees collected by the Commissioner and the
24 remainder transferred into the Cash Flow Reserve
25 Account, unless the balance of the Cash Flow Reserve
26 Account prior to the transfer equals or exceeds

1 one-fourth of the total initial appropriations from
2 the Bank and Trust Company Fund for the subsequent
3 year, in which case the remainder shall be credited to
4 State banks and foreign banking corporations and
5 applied against their fees for the subsequent year. The
6 amount credited to each State bank and foreign banking
7 corporation shall be in the same proportion as the Call
8 Report Fees paid by each for the year bear to the total
9 Call Report Fees collected for the year. If, after a
10 transfer to the Cash Flow Reserve Account is made or if
11 no remainder is available for transfer, the balance of
12 the Cash Flow Reserve Account is less than one-fourth
13 of the total initial appropriations for the subsequent
14 year and the amount transferred is less than 5% of the
15 total Call Report Fees for the year, additional amounts
16 needed to make the transfer equal to 5% of the total
17 Call Report Fees for the year shall be apportioned
18 amongst, assessed upon, and paid by the State banks and
19 foreign banking corporations in the same proportion
20 that the Call Report Fees of each, respectively, for
21 the year bear to the total Call Report Fees collected
22 for the year. The additional amounts assessed shall be
23 transferred into the Cash Flow Reserve Account. For
24 purposes of this paragraph (d-1), the calculation of
25 the fees collected by the Commissioner shall exclude
26 the receivership fees provided for in Section 5-10 of

1 the Corporate Fiduciary Act.

2 (e) The Commissioner may upon request certify to
3 any public record in his keeping and shall have
4 authority to levy a reasonable charge for issuing
5 certifications of any public record in his keeping.

6 (f) In addition to fees authorized elsewhere in
7 this Act, the Commissioner may, in connection with a
8 review, approval, or provision of a service, levy a
9 reasonable charge to recover the cost of the review,
10 approval, or service.

11 (4) Nothing contained in this Act shall be construed to
12 limit the obligation relative to examinations and reports
13 of any State bank, deposits in which are to any extent
14 insured by the United States or any agency thereof, nor to
15 limit in any way the powers of the Commissioner with
16 reference to examinations and reports of that bank.

17 (5) The nature and condition of the assets in or
18 investment of any bonus, pension, or profit sharing plan
19 for officers or employees of every State bank or, after May
20 31, 1997, branch of an out-of-state bank shall be deemed to
21 be included in the affairs of that State bank or branch of
22 an out-of-state bank subject to examination by the
23 Commissioner under the provisions of subsection (2) of this
24 Section, and if the Commissioner shall find from an
25 examination that the condition of or operation of the
26 investments or assets of the plan is unlawful, fraudulent,

1 or unsafe, or that any trustee has abused his trust, the
2 Commissioner shall, if the situation so found by the
3 Commissioner shall not be corrected to his satisfaction
4 within 60 days after the Commissioner has given notice to
5 the board of directors of the State bank or out-of-state
6 bank of his findings, report the facts to the Attorney
7 General who shall thereupon institute proceedings against
8 the State bank or out-of-state bank, the board of directors
9 thereof, or the trustees under such plan as the nature of
10 the case may require.

11 (6) The Commissioner shall have the power:

12 (a) To promulgate reasonable rules for the purpose
13 of administering the provisions of this Act.

14 (a-5) To impose conditions on any approval issued
15 by the Commissioner if he determines that the
16 conditions are necessary or appropriate. These
17 conditions shall be imposed in writing and shall
18 continue in effect for the period prescribed by the
19 Commissioner.

20 (b) To issue orders against any person, if the
21 Commissioner has reasonable cause to believe that an
22 unsafe or unsound banking practice has occurred, is
23 occurring, or is about to occur, if any person has
24 violated, is violating, or is about to violate any law,
25 rule, or written agreement with the Commissioner, or
26 for the purpose of administering the provisions of this

1 Act and any rule promulgated in accordance with this
2 Act.

3 (b-1) To enter into agreements with a bank
4 establishing a program to correct the condition of the
5 bank or its practices.

6 (c) To appoint hearing officers to execute any of
7 the powers granted to the Commissioner under this
8 Section for the purpose of administering this Act and
9 any rule promulgated in accordance with this Act and
10 otherwise to authorize, in writing, an officer or
11 employee of the Office of Banks and Real Estate to
12 exercise his powers under this Act.

13 (d) To subpoena witnesses, to compel their
14 attendance, to administer an oath, to examine any
15 person under oath, and to require the production of any
16 relevant books, papers, accounts, and documents in the
17 course of and pursuant to any investigation being
18 conducted, or any action being taken, by the
19 Commissioner in respect of any matter relating to the
20 duties imposed upon, or the powers vested in, the
21 Commissioner under the provisions of this Act or any
22 rule promulgated in accordance with this Act.

23 (e) To conduct hearings.

24 (7) Whenever, in the opinion of the Secretary, any
25 director, officer, employee, or agent of a State bank or
26 any subsidiary or bank holding company of the bank or,

1 after May 31, 1997, of any branch of an out-of-state bank
2 or any subsidiary or bank holding company of the bank shall
3 have violated any law, rule, or order relating to that bank
4 or any subsidiary or bank holding company of the bank,
5 shall have obstructed or impeded any examination or
6 investigation by the Secretary, shall have engaged in an
7 unsafe or unsound practice in conducting the business of
8 that bank or any subsidiary or bank holding company of the
9 bank, or shall have violated any law or engaged or
10 participated in any unsafe or unsound practice in
11 connection with any financial institution or other
12 business entity such that the character and fitness of the
13 director, officer, employee, or agent does not assure
14 reasonable promise of safe and sound operation of the State
15 bank, the Secretary may issue an order of removal. If, in
16 the opinion of the Secretary, any former director, officer,
17 employee, or agent of a State bank or any subsidiary or
18 bank holding company of the bank, prior to the termination
19 of his or her service with that bank or any subsidiary or
20 bank holding company of the bank, violated any law, rule,
21 or order relating to that State bank or any subsidiary or
22 bank holding company of the bank, obstructed or impeded any
23 examination or investigation by the Secretary, engaged in
24 an unsafe or unsound practice in conducting the business of
25 that bank or any subsidiary or bank holding company of the
26 bank, or violated any law or engaged or participated in any

1 unsafe or unsound practice in connection with any financial
2 institution or other business entity such that the
3 character and fitness of the director, officer, employee,
4 or agent would not have assured reasonable promise of safe
5 and sound operation of the State bank, the Secretary may
6 issue an order prohibiting that person from further service
7 with a bank or any subsidiary or bank holding company of
8 the bank as a director, officer, employee, or agent. An
9 order issued pursuant to this subsection shall be served
10 upon the director, officer, employee, or agent. A copy of
11 the order shall be sent to each director of the bank
12 affected by registered mail. A copy of the order shall also
13 be served upon the bank of which he is a director, officer,
14 employee, or agent, whereupon he shall cease to be a
15 director, officer, employee, or agent of that bank. The
16 Secretary may institute a civil action against the
17 director, officer, or agent of the State bank or, after May
18 31, 1997, of the branch of the out-of-state bank against
19 whom any order provided for by this subsection (7) of this
20 Section 48 has been issued, and against the State bank or,
21 after May 31, 1997, out-of-state bank, to enforce
22 compliance with or to enjoin any violation of the terms of
23 the order. Any person who has been the subject of an order
24 of removal or an order of prohibition issued by the
25 Secretary under this subsection or Section 5-6 of the
26 Corporate Fiduciary Act may not thereafter serve as

1 director, officer, employee, or agent of any State bank or
2 of any branch of any out-of-state bank, or of any corporate
3 fiduciary, as defined in Section 1-5.05 of the Corporate
4 Fiduciary Act, or of any other entity that is subject to
5 licensure or regulation by the Division of Banking unless
6 the Secretary has granted prior approval in writing.

7 For purposes of this paragraph (7), "bank holding
8 company" has the meaning prescribed in Section 2 of the
9 Illinois Bank Holding Company Act of 1957.

10 (7.5) Notwithstanding the provisions of this Section,
11 the Secretary shall not:

12 (1) issue an order against a State bank or any
13 subsidiary organized under this Act for unsafe or
14 unsound banking practices solely because the entity
15 provides or has provided financial services to a
16 cannabis-related legitimate business;

17 (2) prohibit, penalize, or otherwise discourage a
18 State bank or any subsidiary from providing financial
19 services to a cannabis-related legitimate business
20 solely because the entity provides or has provided
21 financial services to a cannabis-related legitimate
22 business;

23 (3) recommend, incentivize, or encourage a State
24 bank or any subsidiary not to offer financial services
25 to an account holder or to downgrade or cancel the
26 financial services offered to an account holder solely

1 because:

2 (A) the account holder is a manufacturer or
3 producer, or is the owner, operator, or employee of
4 a cannabis-related legitimate business;

5 (B) the account holder later becomes an owner
6 or operator of a cannabis-related legitimate
7 business; or

8 (C) the State bank or any subsidiary was not
9 aware that the account holder is the owner or
10 operator of a cannabis-related legitimate
11 business; and

12 (4) take any adverse or corrective supervisory
13 action on a loan made to an owner or operator of:

14 (A) a cannabis-related legitimate business
15 solely because the owner or operator owns or
16 operates a cannabis-related legitimate business;
17 or

18 (B) real estate or equipment that is leased to
19 a cannabis-related legitimate business solely
20 because the owner or operator of the real estate or
21 equipment leased the equipment or real estate to a
22 cannabis-related legitimate business.

23 (8) The Commissioner may impose civil penalties of up
24 to \$100,000 against any person for each violation of any
25 provision of this Act, any rule promulgated in accordance
26 with this Act, any order of the Commissioner, or any other

1 action which in the Commissioner's discretion is an unsafe
2 or unsound banking practice.

3 (9) The Commissioner may impose civil penalties of up
4 to \$100 against any person for the first failure to comply
5 with reporting requirements set forth in the report of
6 examination of the bank and up to \$200 for the second and
7 subsequent failures to comply with those reporting
8 requirements.

9 (10) All final administrative decisions of the
10 Commissioner hereunder shall be subject to judicial review
11 pursuant to the provisions of the Administrative Review
12 Law. For matters involving administrative review, venue
13 shall be in either Sangamon County or Cook County.

14 (11) The endowment fund for the Illinois Bank
15 Examiners' Education Foundation shall be administered as
16 follows:

17 (a) (Blank).

18 (b) The Foundation is empowered to receive
19 voluntary contributions, gifts, grants, bequests, and
20 donations on behalf of the Illinois Bank Examiners'
21 Education Foundation from national banks and other
22 persons for the purpose of funding the endowment of the
23 Illinois Bank Examiners' Education Foundation.

24 (c) The aggregate of all special educational fees
25 collected by the Secretary and property received by the
26 Secretary on behalf of the Illinois Bank Examiners'

1 Education Foundation under this subsection (11) on or
2 after June 30, 1986, shall be either (i) promptly paid
3 after receipt of the same, accompanied by a detailed
4 statement thereof, into the State Treasury and shall be
5 set apart in a special fund to be known as "The
6 Illinois Bank Examiners' Education Fund" to be
7 invested by either the Treasurer of the State of
8 Illinois in the Public Treasurers' Investment Pool or
9 in any other investment he is authorized to make or by
10 the Illinois State Board of Investment as the State
11 Banking Board of Illinois may direct or (ii) deposited
12 into an account maintained in a commercial bank or
13 corporate fiduciary in the name of the Illinois Bank
14 Examiners' Education Foundation pursuant to the order
15 and direction of the Board of Trustees of the Illinois
16 Bank Examiners' Education Foundation.

17 (12) (Blank).

18 (13) The Secretary may borrow funds from the General
19 Revenue Fund on behalf of the Bank and Trust Company Fund
20 if the Director of Banking certifies to the Governor that
21 there is an economic emergency affecting banking that
22 requires a borrowing to provide additional funds to the
23 Bank and Trust Company Fund. The borrowed funds shall be
24 paid back within 3 years and shall not exceed the total
25 funding appropriated to the Agency in the previous year.

26 (14) In addition to the fees authorized in this Act,

1 the Secretary may assess reasonable receivership fees
2 against any State bank that does not maintain insurance
3 with the Federal Deposit Insurance Corporation. All fees
4 collected under this subsection (14) shall be paid into the
5 Non-insured Institutions Receivership account in the Bank
6 and Trust Company Fund, as established by the Secretary.
7 The fees assessed under this subsection (14) shall provide
8 for the expenses that arise from the administration of the
9 receivership of any such institution required to pay into
10 the Non-insured Institutions Receivership account, whether
11 pursuant to this Act, the Corporate Fiduciary Act, the
12 Foreign Banking Office Act, or any other Act that requires
13 payments into the Non-insured Institutions Receivership
14 account. The Secretary may establish by rule a reasonable
15 manner of assessing fees under this subsection (14).

16 (Source: P.A. 100-22, eff. 1-1-18; 101-27, eff. 6-25-19;
17 101-275, eff. 8-9-19; revised 9-19-19.)

18 Section 375. The Savings Bank Act is amended by changing
19 Section 1008 as follows:

20 (205 ILCS 205/1008) (from Ch. 17, par. 7301-8)

21 Sec. 1008. General corporate powers.

22 (a) A savings bank operating under this Act shall be a body
23 corporate and politic and shall have all of the powers
24 conferred by this Act including, but not limited to, the

1 following powers:

2 (1) To sue and be sued, complain, and defend in its
3 corporate name and to have a common seal, which it may
4 alter or renew at pleasure.

5 (2) To obtain and maintain insurance by a deposit
6 insurance corporation as defined in this Act.

7 (3) To act as a fiscal agent for the United States, the
8 State of Illinois or any department, branch, arm, or agency
9 of the State or any unit of local government or school
10 district in the State, when duly designated for that
11 purpose, and as agent to perform reasonable functions as
12 may be required of it.

13 (4) To become a member of or deal with any corporation
14 or agency of the United States or the State of Illinois, to
15 the extent that the agency assists in furthering or
16 facilitating its purposes or powers and to that end to
17 purchase stock or securities thereof or deposit money
18 therewith, and to comply with any other conditions of
19 membership or credit.

20 (5) To make donations in reasonable amounts for the
21 public welfare or for charitable, scientific, religious,
22 or educational purposes.

23 (6) To adopt and operate reasonable insurance, bonus,
24 profit sharing, and retirement plans for officers and
25 employees and for directors including, but not limited to,
26 advisory, honorary, and emeritus directors, who are not

1 officers or employees.

2 (7) To reject any application for membership; to retire
3 deposit accounts by enforced retirement as provided in this
4 Act and the bylaws; and to limit the issuance of, or
5 payments on, deposit accounts, subject, however, to
6 contractual obligations.

7 (8) To purchase stock or membership interests in
8 service corporations and to invest in any form of
9 indebtedness of any service corporation as defined in this
10 Act, subject to regulations of the Secretary.

11 (9) To purchase stock of a corporation whose principal
12 purpose is to operate a safe deposit company or escrow
13 service company.

14 (10) To exercise all the powers necessary to qualify as
15 a trustee or custodian under federal or State law, provided
16 that the authority to accept and execute trusts is subject
17 to the provisions of the Corporate Fiduciary Act and to the
18 supervision of those activities by the Secretary.

19 (11) (Blank).

20 (12) To establish, maintain, and operate terminals as
21 authorized by the Electronic Fund Transfer Act.

22 (13) To pledge its assets:

23 (A) to enable it to act as agent for the sale of
24 obligations of the United States;

25 (B) to secure deposits;

26 (C) to secure deposits of money whenever required

1 by the National Bankruptcy Act;

2 (D) (blank); and

3 (E) to secure trust funds commingled with the
4 savings bank's funds, whether deposited by the savings
5 bank or an affiliate of the savings bank, as required
6 under Section 2-8 of the Corporate Fiduciary Act.

7 (14) To accept for payment at a future date not to
8 exceed one year from the date of acceptance, drafts drawn
9 upon it by its customers; and to issue, advise, or confirm
10 letters of credit authorizing holders thereof to draw
11 drafts upon it or its correspondents.

12 (15) Subject to the regulations of the Secretary, to
13 own and lease personal property acquired by the savings
14 bank at the request of a prospective lessee and, upon the
15 agreement of that person, to lease the personal property.

16 (16) To establish temporary service booths at any
17 International Fair in this State that is approved by the
18 United States Department of Commerce for the duration of
19 the international fair for the purpose of providing a
20 convenient place for foreign trade customers to exchange
21 their home countries' currency into United States currency
22 or the converse. To provide temporary periodic service to
23 persons residing in a bona fide nursing home, senior
24 citizens' retirement home, or long-term care facility.
25 These powers shall not be construed as establishing a new
26 place or change of location for the savings bank providing

1 the service booth.

2 (17) To indemnify its officers, directors, employees,
3 and agents, as authorized for corporations under Section
4 8.75 of the Business Corporation ~~Corporations~~ Act of 1983.

5 (18) To provide data processing services to others on a
6 for-profit basis.

7 (19) To utilize any electronic technology to provide
8 customers with home banking services.

9 (20) Subject to the regulations of the Secretary, to
10 enter into an agreement to act as a surety.

11 (21) Subject to the regulations of the Secretary, to
12 issue credit cards, extend credit therewith, and otherwise
13 engage in or participate in credit card operations.

14 (22) To purchase for its own account shares of stock of
15 a bankers' bank, described in Section 13(b)(1) of the
16 Illinois Banking Act, on the same terms and conditions as a
17 bank may purchase such shares. In no event shall the total
18 amount of such stock held by a savings bank in such
19 bankers' bank exceed 10% of its capital and surplus
20 (including undivided profits) and in no event shall a
21 savings bank acquire more than 5% of any class of voting
22 securities of such bankers' bank.

23 (23) With respect to affiliate facilities:

24 (A) to conduct at affiliate facilities any of the
25 following transactions for and on behalf of any
26 affiliated depository institution, if so authorized by

1 the affiliate or affiliates: receiving deposits;
2 renewing deposits; cashing and issuing checks, drafts,
3 money orders, travelers checks, or similar
4 instruments; changing money; receiving payments on
5 existing indebtedness; and conducting ministerial
6 functions with respect to loan applications, servicing
7 loans, and providing loan account information; and

8 (B) to authorize an affiliated depository
9 institution to conduct for and on behalf of it, any of
10 the transactions listed in this subsection at one or
11 more affiliate facilities.

12 A savings bank intending to conduct or to authorize an
13 affiliated depository institution to conduct at an
14 affiliate facility any of the transactions specified in
15 this subsection shall give written notice to the Secretary
16 at least 30 days before any such transaction is conducted
17 at an affiliate facility. All conduct under this subsection
18 shall be on terms consistent with safe and sound banking
19 practices and applicable law.

20 (24) Subject to Article XLIV of the Illinois Insurance
21 Code, to act as the agent for any fire, life, or other
22 insurance company authorized by the State of Illinois, by
23 soliciting and selling insurance and collecting premiums
24 on policies issued by such company; and may receive for
25 services so rendered such fees or commissions as may be
26 agreed upon between the said savings bank and the insurance

1 company for which it may act as agent; provided, however,
2 that no such savings bank shall in any case assume or
3 guarantee the payment of any premium on insurance policies
4 issued through its agency by its principal; and provided
5 further, that the savings bank shall not guarantee the
6 truth of any statement made by an assured in filing his
7 application for insurance.

8 (25) To become a member of the Federal Home Loan Bank
9 and to have the powers granted to a savings association
10 organized under the Illinois Savings and Loan Act of 1985
11 or the laws of the United States, subject to regulations of
12 the Secretary.

13 (26) To offer any product or service that is at the
14 time authorized or permitted to a bank by applicable law,
15 but subject always to the same limitations and restrictions
16 that are applicable to the bank for the product or service
17 by such applicable law and subject to the applicable
18 provisions of the Financial Institutions Insurance Sales
19 Law and rules of the Secretary.

20 (b) If this Act or the regulations adopted under this Act
21 fail to provide specific guidance in matters of corporate
22 governance, the provisions of the Business Corporation Act of
23 1983 may be used, or if the savings bank is a limited liability
24 company, the provisions of the Limited Liability Company Act
25 shall be used.

26 (c) A savings bank may be organized as a limited liability

1 company, may convert to a limited liability company, or may
2 merge with and into a limited liability company, under the
3 applicable laws of this State and of the United States,
4 including any rules promulgated thereunder. A savings bank
5 organized as a limited liability company shall be subject to
6 the provisions of the Limited Liability Company Act in addition
7 to this Act, provided that if a provision of the Limited
8 Liability Company Act conflicts with a provision of this Act or
9 with any rule of the Secretary, the provision of this Act or
10 the rule of the Secretary shall apply.

11 Any filing required to be made under the Limited Liability
12 Company Act shall be made exclusively with the Secretary, and
13 the Secretary shall possess the exclusive authority to regulate
14 the savings bank as provided in this Act.

15 Any organization as, conversion to, and merger with or into
16 a limited liability company shall be subject to the prior
17 approval of the Secretary.

18 A savings bank that is a limited liability company shall be
19 subject to all of the provisions of this Act in the same manner
20 as a savings bank that is organized in stock form.

21 The Secretary may promulgate rules to ensure that a savings
22 bank that is a limited liability company (i) is operating in a
23 safe and sound manner and (ii) is subject to the Secretary's
24 authority in the same manner as a savings bank that is
25 organized in stock form.

26 (Source: P.A. 97-492, eff. 1-1-12; revised 8-23-19.)

1 Section 380. The Illinois Credit Union Act is amended by
2 changing Sections 9 and 46 as follows:

3 (205 ILCS 305/9) (from Ch. 17, par. 4410)

4 Sec. 9. Reports and examinations.

5 (1) Credit unions shall report to the Department on forms
6 supplied by the Department, in accordance with a schedule
7 published by the Department. A recapitulation of the annual
8 reports shall be compiled and published annually by the
9 Department, for the use of the General Assembly, credit unions,
10 various educational institutions and other interested parties.
11 A credit union which fails to file any report when due shall
12 pay to the Department a late filing fee for each day the report
13 is overdue as prescribed by rule. The Secretary may extend the
14 time for filing a report.

15 (2) The Secretary may require special examinations of and
16 special financial reports from a credit union or a credit union
17 organization in which a credit union loans, invests, or
18 delegates substantially all managerial duties and
19 responsibilities when he determines that such examinations and
20 reports are necessary to enable the Department to determine the
21 safety of a credit union's operation or its solvency. The cost
22 to the Department of the aforesaid special examinations shall
23 be borne by the credit union being examined as prescribed by
24 rule.

1 (3) All credit unions incorporated under this Act shall be
2 examined at least biennially by the Department or, at the
3 discretion of the Secretary, by a public accountant registered
4 by the Department of Financial and Professional Regulation. The
5 costs of an examination shall be paid by the credit union. The
6 scope of all examinations by a public accountant shall be at
7 least equal to the examinations made by the Department. The
8 examiners shall have full access to, and may compel the
9 production of, all the books, papers, securities and accounts
10 of any credit union. A special examination shall be made by the
11 Department or by a public accountant approved by the Department
12 upon written request of 5 or more members, who guarantee the
13 expense of the same. Any credit union refusing to submit to an
14 examination when ordered by the Department shall be reported to
15 the Attorney General, who shall institute proceedings to have
16 its charter revoked. If the Secretary determines that the
17 examination of a credit union is to be conducted by a public
18 accountant registered by the Department of Financial and
19 Professional Regulation and the examination is done in
20 conjunction with the credit union's external independent audit
21 of financial statements, the requirements of this Section and
22 subsection (3) of Section 34 shall be deemed met.

23 (3.5) Pursuant to Section 8, the Secretary shall adopt
24 rules that ensure consistency and due process in the
25 examination process. The Secretary may also establish
26 guidelines that (i) define the scope of the examination process

1 and (ii) clarify examination items to be resolved. The rules,
2 formal guidance, interpretive ~~interpretative~~ letters, or
3 opinions furnished to credit unions by the Secretary may be
4 relied upon by the credit unions.

5 (4) A copy of the completed report of examination and a
6 review comment letter, if any, citing exceptions revealed
7 during the examination, shall be submitted to the credit union
8 by the Department. A detailed report stating the corrective
9 actions taken by the board of directors on each exception set
10 forth in the review comment letter shall be filed with the
11 Department within 40 days after the date of the review comment
12 letter, or as otherwise directed by the Department. Any credit
13 union through its officers, directors, committee members or
14 employees, which willfully provides fraudulent or misleading
15 information regarding the corrective actions taken on
16 exceptions appearing in a review comment letter may have its
17 operations restricted to the collection of principal and
18 interest on loans outstanding and the payment of normal
19 expenses and salaries until all exceptions are corrected and
20 accepted by the Department.

21 (Source: P.A. 97-133, eff. 1-1-12; 98-784, eff. 7-24-14;
22 revised 8-23-19.)

23 (205 ILCS 305/46) (from Ch. 17, par. 4447)

24 Sec. 46. Loans and interest rate.

25 (1) A credit union may make loans to its members for such

1 purpose and upon such security and terms, including rates of
2 interest, as the credit committee, credit manager, or loan
3 officer approves. Notwithstanding the provisions of any other
4 law in connection with extensions of credit, a credit union may
5 elect to contract for and receive interest and fees and other
6 charges for extensions of credit subject only to the provisions
7 of this Act and rules promulgated under this Act, except that
8 extensions of credit secured by residential real estate shall
9 be subject to the laws applicable thereto. The rates of
10 interest to be charged on loans to members shall be set by the
11 board of directors of each individual credit union in
12 accordance with Section 30 of this Act and such rates may be
13 less than, but may not exceed, the maximum rate set forth in
14 this Section. A borrower may repay his loan prior to maturity,
15 in whole or in part, without penalty. A prepayment penalty does
16 not include a waived, bona fide third-party charge that the
17 credit union imposes if the borrower prepays all of the
18 transaction's principal sooner than 36 months after
19 consummation of a closed-end credit transaction, a waived, bona
20 fide third-party charge that the credit union imposes if the
21 borrower terminates an open-end credit plan sooner than 36
22 months after account opening, or a yield maintenance fee
23 imposed on a business loan transaction. The credit contract may
24 provide for the payment by the member and receipt by the credit
25 union of all costs and disbursements, including reasonable
26 attorney's fees and collection agency charges, incurred by the

1 credit union to collect or enforce the debt in the event of a
2 delinquency by the member, or in the event of a breach of any
3 obligation of the member under the credit contract. A
4 contingency or hourly arrangement established under an
5 agreement entered into by a credit union with an attorney or
6 collection agency to collect a loan of a member in default
7 shall be presumed prima facie reasonable.

8 (2) Credit unions may make loans based upon the security of
9 any interest or equity in real estate, subject to rules and
10 regulations promulgated by the Secretary. In any contract or
11 loan which is secured by a mortgage, deed of trust, or
12 conveyance in the nature of a mortgage, on residential real
13 estate, the interest which is computed, calculated, charged, or
14 collected pursuant to such contract or loan, or pursuant to any
15 regulation or rule promulgated pursuant to this Act, may not be
16 computed, calculated, charged or collected for any period of
17 time occurring after the date on which the total indebtedness,
18 with the exception of late payment penalties, is paid in full.

19 For purposes of this subsection (2) of this Section 46, a
20 prepayment shall mean the payment of the total indebtedness,
21 with the exception of late payment penalties if incurred or
22 charged, on any date before the date specified in the contract
23 or loan agreement on which the total indebtedness shall be paid
24 in full, or before the date on which all payments, if timely
25 made, shall have been made. In the event of a prepayment of the
26 indebtedness which is made on a date after the date on which

1 interest on the indebtedness was last computed, calculated,
2 charged, or collected but before the next date on which
3 interest on the indebtedness was to be calculated, computed,
4 charged, or collected, the lender may calculate, charge and
5 collect interest on the indebtedness for the period which
6 elapsed between the date on which the prepayment is made and
7 the date on which interest on the indebtedness was last
8 computed, calculated, charged or collected at a rate equal to
9 1/360 of the annual rate for each day which so elapsed, which
10 rate shall be applied to the indebtedness outstanding as of the
11 date of prepayment. The lender shall refund to the borrower any
12 interest charged or collected which exceeds that which the
13 lender may charge or collect pursuant to the preceding
14 sentence.

15 (3) (Blank).

16 (4) Notwithstanding any other provisions of this Act, a
17 credit union authorized under this Act to make loans secured by
18 an interest or equity in real property may engage in making
19 revolving credit loans secured by mortgages or deeds of trust
20 on such real property or by security assignments of beneficial
21 interests in land trusts.

22 For purposes of this Section, "revolving credit" has the
23 meaning defined in Section 4.1 of the Interest Act.

24 Any mortgage or deed of trust given to secure a revolving
25 credit loan may, and when so expressed therein shall, secure
26 not only the existing indebtedness but also such future

1 advances, whether such advances are obligatory or to be made at
2 the option of the lender, or otherwise, as are made within 20
3 ~~twenty~~ years from the date thereof, to the same extent as if
4 such future advances were made on the date of the execution of
5 such mortgage or deed of trust, although there may be no
6 advance made at the time of execution of such mortgage or other
7 instrument, and although there may be no indebtedness
8 outstanding at the time any advance is made. The lien of such
9 mortgage or deed of trust, as to third persons without actual
10 notice thereof, shall be valid as to all such indebtedness and
11 future advances from ~~from~~ the time said mortgage or deed of
12 trust is filed for record in the office of the recorder of
13 deeds or the registrar of titles of the county where the real
14 property described therein is located. The total amount of
15 indebtedness that may be so secured may increase or decrease
16 from time to time, but the total unpaid balance so secured at
17 any one time shall not exceed a maximum principal amount which
18 must be specified in such mortgage or deed of trust, plus
19 interest thereon, and any disbursements made for the payment of
20 taxes, special assessments, or insurance on said real property,
21 with interest on such disbursements.

22 Any such mortgage or deed of trust shall be valid and have
23 priority over all subsequent liens and encumbrances, including
24 statutory liens, except taxes and assessments levied on said
25 real property.

26 (4-5) For purposes of this Section, "real estate" and "real

1 property" include a manufactured home as defined in subdivision
2 (53) of Section 9-102 of the Uniform Commercial Code which is
3 real property as defined in Section 5-35 of the Conveyance and
4 Encumbrance of Manufactured Homes as Real Property and
5 Severance Act.

6 (5) Compliance with federal or Illinois preemptive laws or
7 regulations governing loans made by a credit union chartered
8 under this Act shall constitute compliance with this Act.

9 (6) Credit unions may make residential real estate mortgage
10 loans on terms and conditions established by the United States
11 Department of Agriculture through its Rural Development
12 Housing and Community Facilities Program. The portion of any
13 loan in excess of the appraised value of the real estate shall
14 be allocable only to the guarantee fee required under the
15 program.

16 (7) For a renewal, refinancing, or restructuring of an
17 existing loan at the credit union that is secured by an
18 interest or equity in real estate, a new appraisal of the
19 collateral shall not be required when (i) no new moneys are
20 advanced other than funds necessary to cover reasonable closing
21 costs, or (ii) there has been no obvious or material change in
22 market conditions or physical aspects of the real estate that
23 threatens the adequacy of the credit union's real estate
24 collateral protection after the transaction, even with the
25 advancement of new moneys. The Department reserves the right to
26 require an appraisal under this subsection (7) whenever the

1 Department believes it is necessary to address safety and
2 soundness concerns.

3 (Source: P.A. 99-78, eff. 7-20-15; 99-149, eff. 1-1-16; 99-331,
4 eff. 1-1-16; 99-614, eff. 7-22-16; 99-642, eff. 7-28-16;
5 100-201, eff. 8-18-17; revised 8-23-19.)

6 Section 385. The Community Living Facilities Licensing Act
7 is amended by changing Section 5.5 as follows:

8 (210 ILCS 35/5.5)

9 Sec. 5.5. Closed captioning required. A Community Living
10 Facility licensed under this Act must make reasonable efforts
11 to have activated at all times the closed captioning feature on
12 a television in a common area provided for use by the general
13 public or in a resident's room, or enable the closed captioning
14 feature when requested to do so by a member of the general
15 public or a resident, if the television includes a closed
16 captioning feature.

17 It is not a violation of this Section if the closed
18 captioning feature is deactivated by a member of the Community
19 Living Facility's staff after such feature is enabled in a
20 common area or in a resident's room unless the deactivation of
21 the closed captioning feature is knowing or intentional. It is
22 not a violation of this Section if the closed captioning
23 feature is deactivated by a member of the general public, a
24 resident, or a member of the a Community Living Facility's

1 staff at the request of a resident of the Community Living
2 Facility licensed under this Act.

3 If a Community Living Facility licensed under this Act does
4 not have a television in a common area that includes a closed
5 captioning feature, then the Community Living Facility
6 licensed under this Act must ensure that all televisions
7 obtained for common areas after January 1, 2020 (the effective
8 date of Public Act 101-116) ~~this amendatory Act of the 101st~~
9 ~~General Assembly~~ include a closed captioning feature. This
10 Section does not affect any other provision of law relating to
11 disability discrimination or providing reasonable
12 accommodations or diminish the rights of a person with a
13 disability under any other law. Nothing in this Section shall
14 apply to televisions that are privately owned by a resident or
15 third party and not owned by the Community Living Facility.

16 As used in this Section, "closed captioning" means a text
17 display of spoken words presented on a television that allows a
18 deaf or hard of hearing viewer to follow the dialogue and the
19 action of a program simultaneously.

20 (Source: P.A. 101-116, eff. 1-1-20; revised 9-26-19.)

21 Section 390. The Specialized Mental Health Rehabilitation
22 Act of 2013 is amended by changing Section 2-101 as follows:

23 (210 ILCS 49/2-101)

24 Sec. 2-101. Standards for facilities.

1 (a) The Department shall, by rule, prescribe minimum
2 standards for each level of care for facilities to be in place
3 during the provisional licensure period and thereafter. These
4 standards shall include, but are not limited to, the following:

5 (1) life safety standards that will ensure the health,
6 safety and welfare of residents and their protection from
7 hazards;

8 (2) number and qualifications of all personnel,
9 including management and clinical personnel, having
10 responsibility for any part of the care given to consumers;
11 specifically, the Department shall establish staffing
12 ratios for facilities which shall specify the number of
13 staff hours per consumer of care that are needed for each
14 level of care offered within the facility;

15 (3) all sanitary conditions within the facility and its
16 surroundings, including water supply, sewage disposal,
17 food handling, and general hygiene which shall ensure the
18 health and comfort of consumers;

19 (4) a program for adequate maintenance of physical
20 plant and equipment;

21 (5) adequate accommodations, staff, and services for
22 the number and types of services being offered to consumers
23 for whom the facility is licensed to care;

24 (6) development of evacuation and other appropriate
25 safety plans for use during weather, health, fire, physical
26 plant, environmental, and national defense emergencies;

1 (7) maintenance of minimum financial or other
2 resources necessary to meet the standards established
3 under this Section, and to operate and conduct the facility
4 in accordance with this Act; ~~and~~

5 (8) standards for coercive free environment,
6 restraint, and therapeutic separation; ~~and~~.

7 (9) each multiple bedroom shall have at least 55 square
8 feet of net floor area per consumer, not including space
9 for closets, bathrooms, and clearly defined entryway
10 areas. A minimum of 3 feet of clearance at the foot and one
11 side of each bed shall be provided.

12 (b) Any requirement contained in administrative rule
13 concerning a percentage of single occupancy rooms shall be
14 calculated based on the total number of licensed or
15 provisionally licensed beds under this Act on January 1, 2019
16 and shall not be calculated on a per-facility basis.

17 (Source: P.A. 100-1181, eff. 3-8-19; 101-10, eff. 6-5-19;
18 revised 7-17-19.)

19 Section 395. The Emergency Medical Services (EMS) Systems
20 Act is amended by changing Sections 3.50, 3.233, and 32.5 as
21 follows:

22 (210 ILCS 50/3.50)

23 Sec. 3.50. Emergency Medical Services personnel licensure
24 levels.

1 (a) "Emergency Medical Technician" or "EMT" means a person
2 who has successfully completed a course in basic life support
3 as approved by the Department, is currently licensed by the
4 Department in accordance with standards prescribed by this Act
5 and rules adopted by the Department pursuant to this Act, and
6 practices within an EMS System. A valid Emergency Medical
7 Technician-Basic (EMT-B) license issued under this Act shall
8 continue to be valid and shall be recognized as an Emergency
9 Medical Technician (EMT) license until the Emergency Medical
10 Technician-Basic (EMT-B) license expires.

11 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
12 means a person who has successfully completed a course in
13 intermediate life support as approved by the Department, is
14 currently licensed by the Department in accordance with
15 standards prescribed by this Act and rules adopted by the
16 Department pursuant to this Act, and practices within an
17 Intermediate or Advanced Life Support EMS System.

18 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"
19 means a person who has successfully completed a course in basic
20 and limited advanced emergency medical care as approved by the
21 Department, is currently licensed by the Department in
22 accordance with standards prescribed by this Act and rules
23 adopted by the Department pursuant to this Act, and practices
24 within an Intermediate or Advanced Life Support EMS System.

25 (c) "Paramedic (EMT-P)" means a person who has successfully
26 completed a course in advanced life support care as approved by

1 the Department, is licensed by the Department in accordance
2 with standards prescribed by this Act and rules adopted by the
3 Department pursuant to this Act, and practices within an
4 Advanced Life Support EMS System. A valid Emergency Medical
5 Technician-Paramedic (EMT-P) license issued under this Act
6 shall continue to be valid and shall be recognized as a
7 Paramedic license until the Emergency Medical
8 Technician-Paramedic (EMT-P) license expires.

9 (c-5) "Emergency Medical Responder" or "EMR (First
10 Responder)" means a person who has successfully completed a
11 course in emergency medical response as approved by the
12 Department and provides emergency medical response services
13 prior to the arrival of an ambulance or specialized emergency
14 medical services vehicle, in accordance with the level of care
15 established by the National EMS Educational Standards
16 Emergency Medical Responder course as modified by the
17 Department. An Emergency Medical Responder who provides
18 services as part of an EMS System response plan shall comply
19 with the applicable sections of the Program Plan, as approved
20 by the Department, of that EMS System. The Department shall
21 have the authority to adopt rules governing the curriculum,
22 practice, and necessary equipment applicable to Emergency
23 Medical Responders.

24 On August 15, 2014 (the effective date of Public Act
25 98-973), a person who is licensed by the Department as a First
26 Responder and has completed a Department-approved course in

1 first responder defibrillator training based on, or equivalent
2 to, the National EMS Educational Standards or other standards
3 previously recognized by the Department shall be eligible for
4 licensure as an Emergency Medical Responder upon meeting the
5 licensure requirements and submitting an application to the
6 Department. A valid First Responder license issued under this
7 Act shall continue to be valid and shall be recognized as an
8 Emergency Medical Responder license until the First Responder
9 license expires.

10 (c-10) All EMS Systems and licensees shall be fully
11 compliant with the National EMS Education Standards, as
12 modified by the Department in administrative rules, within 24
13 months after the adoption of the administrative rules.

14 (d) The Department shall have the authority and
15 responsibility to:

16 (1) Prescribe education and training requirements,
17 which includes training in the use of epinephrine, for all
18 levels of EMS personnel except for EMRs, based on the
19 National EMS Educational Standards and any modifications
20 to those curricula specified by the Department through
21 rules adopted pursuant to this Act.

22 (2) Prescribe licensure testing requirements for all
23 levels of EMS personnel, which shall include a requirement
24 that all phases of instruction, training, and field
25 experience be completed before taking the appropriate
26 licensure examination. Candidates may elect to take the

1 appropriate National Registry examination in lieu of the
2 Department's examination, but are responsible for making
3 their own arrangements for taking the National Registry
4 examination. In prescribing licensure testing requirements
5 for honorably discharged members of the armed forces of the
6 United States under this paragraph (2), the Department
7 shall ensure that a candidate's military emergency medical
8 training, emergency medical curriculum completed, and
9 clinical experience, as described in paragraph (2.5), are
10 recognized.

11 (2.5) Review applications for EMS personnel licensure
12 from honorably discharged members of the armed forces of
13 the United States with military emergency medical
14 training. Applications shall be filed with the Department
15 within one year after military discharge and shall contain:
16 (i) proof of successful completion of military emergency
17 medical training; (ii) a detailed description of the
18 emergency medical curriculum completed; and (iii) a
19 detailed description of the applicant's clinical
20 experience. The Department may request additional and
21 clarifying information. The Department shall evaluate the
22 application, including the applicant's training and
23 experience, consistent with the standards set forth under
24 subsections (a), (b), (c), and (d) of Section 3.10. If the
25 application clearly demonstrates that the training and
26 experience meet such standards, the Department shall offer

1 the applicant the opportunity to successfully complete a
2 Department-approved EMS personnel examination for the
3 level of license for which the applicant is qualified. Upon
4 passage of an examination, the Department shall issue a
5 license, which shall be subject to all provisions of this
6 Act that are otherwise applicable to the level of EMS
7 personnel license issued.

8 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,
9 or Paramedic who have met the Department's education,
10 training and examination requirements.

11 (4) Prescribe annual continuing education and
12 relicensure requirements for all EMS personnel licensure
13 levels.

14 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,
15 A-EMT, PHRN, PHAPRN, PHPA, or Paramedic every 4 years,
16 based on their compliance with continuing education and
17 relicensure requirements as required by the Department
18 pursuant to this Act. Every 4 years, a Paramedic shall have
19 100 hours of approved continuing education, an EMT-I and an
20 advanced EMT shall have 80 hours of approved continuing
21 education, and an EMT shall have 60 hours of approved
22 continuing education. An Illinois licensed EMR, EMD, EMT,
23 EMT-I, A-EMT, Paramedic, ECRN, PHPA, PHAPRN, or PHRN whose
24 license has been expired for less than 36 months may apply
25 for reinstatement by the Department. Reinstatement shall
26 require that the applicant (i) submit satisfactory proof of

1 completion of continuing medical education and clinical
2 requirements to be prescribed by the Department in an
3 administrative rule; (ii) submit a positive recommendation
4 from an Illinois EMS Medical Director attesting to the
5 applicant's qualifications for retesting; and (iii) pass a
6 Department approved test for the level of EMS personnel
7 license sought to be reinstated.

8 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
9 A-EMT, Paramedic, ECRN, PHAPRN, PHPA, or PHRN who
10 qualifies, based on standards and procedures established
11 by the Department in rules adopted pursuant to this Act.

12 (7) Charge a fee for EMS personnel examination,
13 licensure, and license renewal.

14 (8) Suspend, revoke, or refuse to issue or renew the
15 license of any licensee, after an opportunity for an
16 impartial hearing before a neutral administrative law
17 judge appointed by the Director, where the preponderance of
18 the evidence shows one or more of the following:

19 (A) The licensee has not met continuing education
20 or relicensure requirements as prescribed by the
21 Department;

22 (B) The licensee has failed to maintain
23 proficiency in the level of skills for which he or she
24 is licensed;

25 (C) The licensee, during the provision of medical
26 services, engaged in dishonorable, unethical, or

1 unprofessional conduct of a character likely to
2 deceive, defraud, or harm the public;

3 (D) The licensee has failed to maintain or has
4 violated standards of performance and conduct as
5 prescribed by the Department in rules adopted pursuant
6 to this Act or his or her EMS System's Program Plan;

7 (E) The licensee is physically impaired to the
8 extent that he or she cannot physically perform the
9 skills and functions for which he or she is licensed,
10 as verified by a physician, unless the person is on
11 inactive status pursuant to Department regulations;

12 (F) The licensee is mentally impaired to the extent
13 that he or she cannot exercise the appropriate
14 judgment, skill and safety for performing the
15 functions for which he or she is licensed, as verified
16 by a physician, unless the person is on inactive status
17 pursuant to Department regulations;

18 (G) The licensee has violated this Act or any rule
19 adopted by the Department pursuant to this Act; or

20 (H) The licensee has been convicted (or entered a
21 plea of guilty or nolo contendere ~~nolo contendere~~) by a
22 court of competent jurisdiction of a Class X, Class 1,
23 or Class 2 felony in this State or an out-of-state
24 equivalent offense.

25 (9) Prescribe education and training requirements in
26 the administration and use of opioid antagonists for all

1 levels of EMS personnel based on the National EMS
2 Educational Standards and any modifications to those
3 curricula specified by the Department through rules
4 adopted pursuant to this Act.

5 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN,
6 PHAPRN, PHPA, or PHRN who is a member of the Illinois National
7 Guard or an Illinois State Trooper or who exclusively serves as
8 a volunteer for units of local government with a population
9 base of less than 5,000 or as a volunteer for a not-for-profit
10 organization that serves a service area with a population base
11 of less than 5,000 may submit an application to the Department
12 for a waiver of the fees described under paragraph (7) of
13 subsection (d) of this Section on a form prescribed by the
14 Department.

15 The education requirements prescribed by the Department
16 under this Section must allow for the suspension of those
17 requirements in the case of a member of the armed services or
18 reserve forces of the United States or a member of the Illinois
19 National Guard who is on active duty pursuant to an executive
20 order of the President of the United States, an act of the
21 Congress of the United States, or an order of the Governor at
22 the time that the member would otherwise be required to fulfill
23 a particular education requirement. Such a person must fulfill
24 the education requirement within 6 months after his or her
25 release from active duty.

26 (e) In the event that any rule of the Department or an EMS

1 Medical Director that requires testing for drug use as a
2 condition of the applicable EMS personnel license conflicts
3 with or duplicates a provision of a collective bargaining
4 agreement that requires testing for drug use, that rule shall
5 not apply to any person covered by the collective bargaining
6 agreement.

7 (f) At the time of applying for or renewing his or her
8 license, an applicant for a license or license renewal may
9 submit an email address to the Department. The Department shall
10 keep the email address on file as a form of contact for the
11 individual. The Department shall send license renewal notices
12 electronically and by mail to a licensee ~~all licensees~~ who
13 provides ~~provide~~ the Department with his or her email address.
14 The notices shall be sent at least 60 days prior to the
15 expiration date of the license.

16 (Source: P.A. 100-1082, eff. 8-24-19; 101-81, eff. 7-12-19;
17 101-153, eff. 1-1-20; revised 12-3-19.)

18 (210 ILCS 50/3.233)

19 Sec. 3.233. Opioid overdose reporting.

20 (a) In this Section:

21 "Covered vehicle service provider" means a licensed
22 vehicle service provider that is a municipality with a
23 population of 1,000,000 or greater.

24 "Covered vehicle service provider personnel" means
25 individuals licensed by the Department as an EMT, EMT-I, A-EMT,

1 or EMT-P who are employed by a covered vehicle service
2 provider.

3 "Opioid" means any narcotic containing opium or one or more
4 of its natural or synthetic derivatives.

5 "Overdose" means a physiological event that results in a
6 life-threatening emergency to an individual who ingested,
7 inhaled, injected, or otherwise bodily absorbed an opioid.

8 (b) Covered vehicle service provider personnel who treat
9 and either release or transport to a health care facility an
10 individual experiencing a suspected or an actual overdose shall
11 document in the patient's care report the information specified
12 in subsection (c) within 24 hours of the initial reporting of
13 the incident.

14 (c) A patient care report of an overdose made under this
15 Section shall include:

16 (1) the date and time of the overdose;

17 (2) the location in latitude and longitude, to no more
18 than 4 decimal places, where the overdose victim was
19 initially encountered by the covered vehicle service
20 provider personnel;

21 (3) whether one or more doses of an opioid overdose
22 reversal drug were ~~was~~ administered; and

23 (4) whether the overdose was fatal or nonfatal when the
24 overdose victim was initially encountered by the covered
25 vehicle service provider personnel and during the
26 transportation of the victim to a health care facility.

1 (d) Upon receipt of a patient care report that documents an
2 overdose, a covered vehicle service provider shall report the
3 information listed under subsection (c) to:

4 (i) the Washington/Baltimore High Intensity Drug
5 Trafficking Area Overdose Detection Mapping Application;
6 or

7 (ii) any similar information technology platform with
8 secure access operated by the federal government or a unit
9 of state or local government, as determined by the covered
10 vehicle service provider.

11 (e) Overdose information reported by a covered vehicle
12 service provider under this Section shall not be used in an
13 opioid use-related criminal investigation or prosecution of
14 the individual who was treated by the covered vehicle service
15 provider personnel for experiencing the suspected or actual
16 overdose.

17 (f) Covered vehicle service providers or covered vehicle
18 service provider personnel that in good faith make a report
19 under this Section shall be immune from civil or criminal
20 liability for making the report.

21 (Source: P.A. 101-320, eff. 8-9-19; revised 12-3-19.)

22 (210 ILCS 50/32.5)

23 Sec. 32.5. Freestanding Emergency Center.

24 (a) The Department shall issue an annual Freestanding
25 Emergency Center (FEC) license to any facility that has

1 received a permit from the Health Facilities and Services
2 Review Board to establish a Freestanding Emergency Center by
3 January 1, 2015, and:

4 (1) is located: (A) in a municipality with a population
5 of 50,000 or fewer inhabitants; (B) within 50 miles of the
6 hospital that owns or controls the FEC; and (C) within 50
7 miles of the Resource Hospital affiliated with the FEC as
8 part of the EMS System;

9 (2) is wholly owned or controlled by an Associate or
10 Resource Hospital, but is not a part of the hospital's
11 physical plant;

12 (3) meets the standards for licensed FECs, adopted by
13 rule of the Department, including, but not limited to:

14 (A) facility design, specification, operation, and
15 maintenance standards;

16 (B) equipment standards; and

17 (C) the number and qualifications of emergency
18 medical personnel and other staff, which must include
19 at least one board certified emergency physician
20 present at the FEC 24 hours per day.

21 (4) limits its participation in the EMS System strictly
22 to receiving a limited number of patients by ambulance: (A)
23 according to the FEC's 24-hour capabilities; (B) according
24 to protocols developed by the Resource Hospital within the
25 FEC's designated EMS System; and (C) as pre-approved by
26 both the EMS Medical Director and the Department;

1 (5) provides comprehensive emergency treatment
2 services, as defined in the rules adopted by the Department
3 pursuant to the Hospital Licensing Act, 24 hours per day,
4 on an outpatient basis;

5 (6) provides an ambulance and maintains on site
6 ambulance services staffed with paramedics 24 hours per
7 day;

8 (7) (blank);

9 (8) complies with all State and federal patient rights
10 provisions, including, but not limited to, the Emergency
11 Medical Treatment Act and the federal Emergency Medical
12 Treatment and Active Labor Act;

13 (9) maintains a communications system that is fully
14 integrated with its Resource Hospital within the FEC's
15 designated EMS System;

16 (10) reports to the Department any patient transfers
17 from the FEC to a hospital within 48 hours of the transfer
18 plus any other data determined to be relevant by the
19 Department;

20 (11) submits to the Department, on a quarterly basis,
21 the FEC's morbidity and mortality rates for patients
22 treated at the FEC and other data determined to be relevant
23 by the Department;

24 (12) does not describe itself or hold itself out to the
25 general public as a full service hospital or hospital
26 emergency department in its advertising or marketing

1 activities;

2 (13) complies with any other rules adopted by the
3 Department under this Act that relate to FECs;

4 (14) passes the Department's site inspection for
5 compliance with the FEC requirements of this Act;

6 (15) submits a copy of the permit issued by the Health
7 Facilities and Services Review Board indicating that the
8 facility has complied with the Illinois Health Facilities
9 Planning Act with respect to the health services to be
10 provided at the facility;

11 (16) submits an application for designation as an FEC
12 in a manner and form prescribed by the Department by rule;
13 and

14 (17) pays the annual license fee as determined by the
15 Department by rule.

16 (a-5) Notwithstanding any other provision of this Section,
17 the Department may issue an annual FEC license to a facility
18 that is located in a county that does not have a licensed
19 general acute care hospital if the facility's application for a
20 permit from the Illinois Health Facilities Planning Board has
21 been deemed complete by the Department of Public Health by
22 January 1, 2014 and if the facility complies with the
23 requirements set forth in paragraphs (1) through (17) of
24 subsection (a).

25 (a-10) Notwithstanding any other provision of this
26 Section, the Department may issue an annual FEC license to a

1 facility if the facility has, by January 1, 2014, filed a
2 letter of intent to establish an FEC and if the facility
3 complies with the requirements set forth in paragraphs (1)
4 through (17) of subsection (a).

5 (a-15) Notwithstanding any other provision of this
6 Section, the Department shall issue an annual FEC license to a
7 facility if the facility: (i) discontinues operation as a
8 hospital within 180 days after December 4, 2015 (the effective
9 date of Public Act 99-490) ~~this amendatory Act of the 99th~~
10 ~~General Assembly~~ with a Health Facilities and Services Review
11 Board project number of E-017-15; (ii) has an application for a
12 permit to establish an FEC from the Health Facilities and
13 Services Review Board that is deemed complete by January 1,
14 2017; and (iii) complies with the requirements set forth in
15 paragraphs (1) through (17) of subsection (a) of this Section.

16 (a-20) Notwithstanding any other provision of this
17 Section, the Department shall issue an annual FEC license to a
18 facility if:

19 (1) the facility is a hospital that has discontinued
20 inpatient hospital services;

21 (2) the Department of Healthcare and Family Services
22 has certified the conversion to an FEC was approved by the
23 Hospital Transformation Review Committee as a project
24 subject to the hospital's transformation under subsection
25 (d-5) of Section 14-12 of the Illinois Public Aid Code;

26 (3) the facility complies with the requirements set

1 forth in paragraphs (1) through (17), provided however that
2 the FEC may be located in a municipality with a population
3 greater than 50,000 inhabitants and shall not be subject to
4 the requirements of the Illinois Health Facilities
5 Planning Act that are applicable to the conversion to an
6 FEC if the Department of Healthcare and Family Services
7 ~~Service~~ has certified the conversion to an FEC was approved
8 by the Hospital Transformation Review Committee as a
9 project subject to the hospital's transformation under
10 subsection (d-5) of Section 14-12 of the Illinois Public
11 Aid Code; and

12 (4) the facility is located at the same physical
13 location where the facility served as a hospital.

14 (b) The Department shall:

15 (1) annually inspect facilities of initial FEC
16 applicants and licensed FECs, and issue annual licenses to
17 or annually relicense FECs that satisfy the Department's
18 licensure requirements as set forth in subsection (a);

19 (2) suspend, revoke, refuse to issue, or refuse to
20 renew the license of any FEC, after notice and an
21 opportunity for a hearing, when the Department finds that
22 the FEC has failed to comply with the standards and
23 requirements of the Act or rules adopted by the Department
24 under the Act;

25 (3) issue an Emergency Suspension Order for any FEC
26 when the Director or his or her designee has determined

1 that the continued operation of the FEC poses an immediate
2 and serious danger to the public health, safety, and
3 welfare. An opportunity for a hearing shall be promptly
4 initiated after an Emergency Suspension Order has been
5 issued; and

6 (4) adopt rules as needed to implement this Section.

7 (Source: P.A. 99-490, eff. 12-4-15; 99-710, eff. 8-5-16;
8 100-581, eff. 3-12-18; revised 7-23-19.)

9 Section 400. The Mobile Home Park Act is amended by
10 changing Section 9.8 as follows:

11 (210 ILCS 115/9.8) (from Ch. 111 1/2, par. 719.8)

12 Sec. 9.8. Adequate insect and rodent control measures shall
13 be employed. All buildings shall be fly proof and rodent proof,
14 and rodent harborages shall not be permitted to exist in the
15 park or pathways. All mobile homes shall be skirted to exclude
16 rodents and provide protection to the home's ~~homes~~ utilities
17 from the weather.

18 (Source: P.A. 101-454, eff. 8-23-19; revised 12-3-19.)

19 Section 405. The Safe Pharmaceutical Disposal Act is
20 amended by changing Section 5 as follows:

21 (210 ILCS 150/5)

22 Sec. 5. Definitions. In this Act:

1 "Health care institution" means any public or private
2 institution or agency licensed or certified by State law to
3 provide health care. The term includes hospitals, nursing
4 homes, residential health care facilities, home health care
5 agencies, hospice programs operating in this State,
6 institutions, facilities, or agencies that provide services to
7 persons with mental health illnesses, and institutions,
8 facilities, or agencies that provide services for persons with
9 developmental disabilities.

10 "Law enforcement agency" means any federal, State, or local
11 law enforcement agency, including a State's Attorney and the
12 Attorney General.

13 "Nurse" means an advanced practice registered nurse,
14 registered nurse, or licensed practical nurse licensed under
15 the Nurse Practice Act.

16 "Public wastewater collection system" means any wastewater
17 collection system regulated by the Environmental Protection
18 Agency.

19 "Unused medication" means any unopened, expired, or excess
20 (including medication unused as a result of the death of the
21 patient) medication that has been dispensed for patient or
22 resident care and that is in a liquid or solid form. The term
23 includes, but is not limited to, suspensions, pills, tablets,
24 capsules, and caplets. For long-term care facilities licensed
25 under the Nursing Home Care Act, "unused medication" does not
26 include any Schedule II controlled substance under federal law

1 in any form, until such time as the federal Drug Enforcement
2 Administration adopts regulations that permit these facilities
3 to dispose of controlled substances in a manner consistent with
4 this Act.

5 (Source: P.A. 99-648, eff. 1-1-17; 100-345, eff. 8-25-17;
6 100-612, eff. 1-1-19; revised 7-23-19.)

7 Section 410. The Illinois Insurance Code is amended by
8 changing Sections 28.2a, 291.1, 368g, 370c, and 534.3 and by
9 setting forth, renumbering, and changing multiple versions of
10 Section 356z.33 as follows:

11 (215 ILCS 5/28.2a) (from Ch. 73, par. 640.2a)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 28.2a. Proxies.

14 (1) A shareholder may appoint a proxy to vote or otherwise
15 act for him or her by signing an appointment form and
16 delivering it to the person so appointed.

17 (2) No proxy shall be valid after the expiration of 11
18 months from the date thereof unless otherwise provided in the
19 proxy. Every proxy continues in full force and effect until
20 revoked by the person executing it prior to the vote pursuant
21 thereto, except as otherwise provided in this Section. Such
22 revocation may be effected by a writing delivered to the
23 corporation stating that the proxy is revoked or by a
24 subsequent proxy executed by, or by attendance at the meeting

1 and voting in person by, the person executing the proxy. The
2 dates contained on the forms of proxy presumptively determine
3 the order of execution, regardless of the postmark dates on the
4 envelopes in which they are mailed.

5 (3) An appointment of a proxy is revocable by the
6 shareholder unless the appointment form conspicuously states
7 that it is irrevocable and the appointment is coupled with an
8 interest in the shares or in the corporation generally. By way
9 of example and without limiting the generality of the
10 foregoing, a proxy is coupled with an interest when the proxy
11 appointed is one of the following:

12 (a) a pledgee;

13 (b) a person who has purchased or had agreed to
14 purchase the shares;

15 (c) a creditor of the corporation who has extended it
16 credit under terms requiring the appointment, if the
17 appointment states the purpose for which it was given, the
18 name of the creditor, and the amount of credit extended; or

19 (d) an employee of the corporation whose employment
20 contract requires the appointment, if the appointment
21 states the purpose for which it was given, the name of the
22 employee, and the period of employment.

23 (4) The death or incapacity of the shareholder appointing a
24 proxy does not revoke the proxy's authority unless notice of
25 the death or incapacity is received by the officer or agent who
26 maintains the corporation's share transfer book before the

1 proxy exercises his or her authority under the appointment.

2 (5) An appointment made irrevocable under subsection (3)
3 becomes revocable when the interest in the proxy terminates
4 such as when the pledge is redeemed, the shares are registered
5 in the purchaser's name, the creditor's debt is paid, the
6 employment contract ends, or the voting agreement expires.

7 (6) A transferee for value of shares subject to an
8 irrevocable appointment may revoke the appointment if the
9 transferee was ignorant of its existence when the shares were
10 acquired and both the existence of the appointment and its
11 revocability were not noted conspicuously on the certificate
12 (or information statement for shares without certificates)
13 representing the shares.

14 (7) Unless the appointment of a proxy contains an express
15 limitation on the proxy's authority, a corporation may accept
16 one proxy's vote or other action as that of the shareholder
17 making the appointment. If the proxy appointed fails to vote or
18 otherwise act in accordance with the appointment, the
19 shareholder is entitled to such legal or equitable relief as is
20 appropriate in the circumstances.

21 (Source: P.A. 84-502; revised 8-23-19.)

22 (215 ILCS 5/291.1) (from Ch. 73, par. 903.1)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 291.1. Organization. A domestic society organized on
25 or after January 1, 1986 (the effective date of Public Act

1 84-303) ~~this amendatory Act~~ shall be formed as follows:

2 (a) Seven or more citizens of the United States, a
3 majority of whom are citizens of this State, who desire to
4 form a fraternal benefit society may make, sign and
5 acknowledge, before some officer competent to take
6 acknowledgement of deeds, articles of incorporation, in
7 which shall be stated:

8 (1) The proposed corporate name of the society,
9 which shall not so closely resemble the name of any
10 society or insurance company already authorized to
11 transact business in this State as to be misleading or
12 confusing;

13 (2) The place where its principal office shall be
14 located within this State;

15 (3) The purposes for which it is being formed and
16 the mode in which its corporate powers are to be
17 exercised. Such purposes shall not include more
18 liberal powers than are granted by this amendatory Act;
19 and

20 (4) The names and residences of the incorporators
21 and the names, residences and official titles of all
22 the officers, trustees, directors or other persons who
23 are to have and exercise the general control of the
24 management of the affairs and funds of the society for
25 the first year or until the ensuing election, at which
26 all such officers shall be elected by the supreme

1 governing body, which election shall be held not later
2 than one year from the date of issuance of the
3 permanent certificate of authority;

4 (b) Duplicate originals of the articles of
5 incorporation, certified copies of the society's bylaws
6 and rules, copies of all proposed forms of certificates,
7 applicants and rates therefor, and circulars to be issued
8 by the society and a bond conditioned upon the return to
9 applicants of the advanced payments if the organization is
10 not completed within one year shall be filed with the
11 Director, who may require such further information as the
12 Director deems necessary. The bond with sureties approved
13 by the Director shall be in such amount, not less than
14 \$300,000 nor more than \$1,500,000, as required by the
15 Director. All documents filed are to be in the English
16 language. If the Director finds that the purposes of the
17 society conform to the requirements of this amendatory Act
18 and all provisions of the law have been complied with, the
19 Director shall approve the articles of incorporation and
20 issue the incorporators a preliminary certificate of
21 authority authorizing the society to solicit members as
22 hereinafter provided;

23 (c) No preliminary certificate of authority issued
24 under the provisions of this Section shall be valid after
25 one year from its date of issue or after such further
26 period, not exceeding one year, as may be authorized by the

1 Director, upon cause shown, unless the 500 applicants
2 hereinafter required have been secured and the
3 organization has been completed as herein provided. The
4 articles of incorporation and all other proceedings
5 thereunder shall become null and void in one year from the
6 date of the preliminary certificate of authority or at the
7 expiration of the extended period, unless the society shall
8 have completed its organization and received a certificate
9 of authority to do business as hereinafter provided;

10 (d) Upon receipt of a preliminary certificate of
11 authority from the Director, the society may solicit
12 members for the purpose of completing its organization,
13 shall collect from each applicant the amount of not less
14 than one regular monthly premium in accordance with its
15 table of rates and shall issue to each such applicant a
16 receipt for the amount so collected. No society shall incur
17 any liability other than for the return of such advance
18 premium nor issue any certificate nor pay, allow or offer
19 or promise to pay or allow any benefit to any person until:

20 (1) Actual bona fide applications for benefits
21 have been secured on not less than 500 applicants and
22 any necessary evidence of insurability has been
23 furnished to and approved by the society;

24 (2) At least 10 subordinate lodges have been
25 established into which the 500 applicants have been
26 admitted;

1 (3) There has been submitted to the Director, under
2 oath of the president or secretary, or corresponding
3 officer of the society, a list of such applicants,
4 giving their names, addresses, date each was admitted,
5 name and number of the subordinate lodge of which each
6 applicant is a member, amount of benefits to be granted
7 and premiums therefor;

8 (4) It shall have been shown to the Director, by
9 sworn statement of the treasurer or corresponding
10 officer of such society, that at ~~a~~ least 500 applicants
11 have each paid in cash at least one regular monthly
12 premium as herein provided, which premiums in the
13 aggregate shall amount to at least \$150,000. Said
14 advance premiums shall be held in trust during the
15 period of organization, and, if the society has not
16 qualified for a certificate of authority within one
17 year unless extended by the Director, as herein
18 provided, such premiums shall be returned to said
19 applicants; and

20 (5) In the case of a domestic society that is
21 organized after January 1, 2015 (the effective date of
22 Public Act 98-814) ~~this amendatory Act of the 98th~~
23 ~~General Assembly~~, the society meets the following
24 requirements:

25 (i) maintains a minimum surplus of \$2,000,000,
26 or such higher amount as the Director may deem

1 necessary; and

2 (ii) meets any other requirements as
3 determined by the Director.

4 (e) The Director may make such examination and require
5 such further information as the Director deems necessary.
6 Upon presentation of satisfactory evidence that the
7 society has complied with all the provisions of law, the
8 Director shall issue to the society a certificate of
9 authority to that effect and that the society is authorized
10 to transact business pursuant to the provisions of this
11 amendatory Act; and

12 (f) Any incorporated society authorized to transact
13 business in this State at the time Public Act 84-303 ~~this~~
14 ~~amendatory Act~~ becomes effective (January 1, 1986) shall
15 not be required to reincorporate.

16 (Source: P.A. 98-814, eff. 1-1-15; revised 8-23-19.)

17 (215 ILCS 5/356z.33)

18 Sec. 356z.33. Coverage for epinephrine injectors. A group
19 or individual policy of accident and health insurance or a
20 managed care plan that is amended, delivered, issued, or
21 renewed on or after January 1, 2020 (the effective date of
22 Public Act 101-281) ~~this amendatory Act of the 101st General~~
23 ~~Assembly~~ shall provide coverage for medically necessary
24 epinephrine injectors for persons 18 years of age or under. As
25 used in this Section, "epinephrine injector" has the meaning

1 given to that term in Section 5 of the Epinephrine Injector
2 Act.

3 (Source: P.A. 101-281, eff. 1-1-20; revised 10-16-19.)

4 (215 ILCS 5/356z.34)

5 Sec. 356z.34 ~~356z.33~~. Coverage for cardiopulmonary
6 monitors. A group or individual policy of accident and health
7 insurance amended, delivered, issued, or renewed after January
8 1, 2020 (the effective date of Public Act 101-218) ~~this~~
9 ~~amendatory Act of the 101st General Assembly~~ shall provide
10 coverage for cardiopulmonary monitors determined to be
11 medically necessary for a person 18 years old or younger who
12 has had a cardiopulmonary event.

13 (Source: P.A. 101-218, eff. 1-1-20; revised 10-16-19.)

14 (215 ILCS 5/356z.35)

15 Sec. 356z.35 ~~356z.33~~. Long-term antibiotic therapy for
16 tick-borne diseases.

17 (a) As used in this Section:

18 "Long-term antibiotic therapy" means the administration of
19 oral, intramuscular, or intravenous antibiotics singly or in
20 combination for periods of time in excess of 4 weeks.

21 "Tick-borne disease" means a disease caused when an
22 infected tick bites a person and the tick's saliva transmits an
23 infectious agent (bacteria, viruses, or parasites) that can
24 cause illness, including, but not limited to, the following:

- 1 (1) a severe infection with borrelia burgdorferi;
- 2 (2) a late stage, persistent, or chronic infection or
3 complications related to such an infection;
- 4 (3) an infection with other strains of borrelia or a
5 tick-borne disease that is recognized by the United States
6 Centers for Disease Control and Prevention; and
- 7 (4) the presence of signs or symptoms compatible with
8 acute infection of borrelia or other tick-borne diseases.

9 (b) An individual or group policy of accident and health
10 insurance or managed care plan that is amended, delivered,
11 issued, or renewed on or after January 1, 2020 (the effective
12 date of Public Act 101-371) ~~this amendatory Act of the 101st~~
13 ~~General Assembly~~ shall provide coverage for long-term
14 antibiotic therapy, including necessary office visits and
15 ongoing testing, for a person with a tick-borne disease when
16 determined to be medically necessary and ordered by a physician
17 licensed to practice medicine in all its branches after making
18 a thorough evaluation of the person's symptoms, diagnostic test
19 results, or response to treatment. An experimental drug shall
20 be covered as a long-term antibiotic therapy if it is approved
21 for an indication by the United States Food and Drug
22 Administration. A drug, including an experimental drug, shall
23 be covered for an off-label use in the treatment of a
24 tick-borne disease if the drug has been approved by the United
25 States Food and Drug Administration.

26 (Source: P.A. 101-371, eff. 1-1-20; revised 10-16-19.)

1 (215 ILCS 5/356z.36)

2 Sec. 356z.36 ~~356z.33~~. Coverage of treatment models for
3 early treatment of serious mental illnesses.

4 (a) For purposes of early treatment of a serious mental
5 illness in a child or young adult under age 26, a group or
6 individual policy of accident and health insurance, or managed
7 care plan, that is amended, delivered, issued, or renewed after
8 December 31, 2020 shall provide coverage of the following
9 bundled, evidence-based treatment:

10 (1) Coordinated specialty care for first episode
11 psychosis treatment, covering the elements of the
12 treatment model included in the most recent national
13 research trials conducted by the National Institute of
14 Mental Health in the Recovery After an Initial
15 Schizophrenia Episode (RAISE) trials for psychosis
16 resulting from a serious mental illness, but excluding the
17 components of the treatment model related to education and
18 employment support.

19 (2) Assertive community treatment (ACT) and community
20 support team (CST) treatment. The elements of ACT and CST
21 to be covered shall include those covered under Article V
22 of the Illinois Public Aid Code, through 89 Ill. Adm. Code
23 140.453(d)(4).

24 (b) Adherence to the clinical models. For purposes of
25 ensuring adherence to the coordinated specialty care for first

1 episode psychosis treatment model, only providers contracted
2 with the Department of Human Services' Division of Mental
3 Health to be FIRST.IL providers to deliver coordinated
4 specialty care for first episode psychosis treatment shall be
5 permitted to provide such treatment in accordance with this
6 Section and such providers must adhere to the fidelity of the
7 treatment model. For purposes of ensuring fidelity to ACT and
8 CST, only providers certified to provide ACT and CST by the
9 Department of Human Services' Division of Mental Health and
10 approved to provide ACT and CST by the Department of Healthcare
11 and Family Services, or its designee, in accordance with 89
12 Ill. Adm. Code 140, shall be permitted to provide such services
13 under this Section and such providers shall be required to
14 adhere to the fidelity of the models.

15 (c) Development of medical necessity criteria for
16 coverage. Within 6 months after January 1, 2020 (the effective
17 date of Public Act 101-461) ~~this amendatory Act of the 101st~~
18 ~~General Assembly~~, the Department of Insurance shall lead and
19 convene a workgroup that includes the Department of Human
20 Services' Division of Mental Health, the Department of
21 Healthcare and Family Services, providers of the treatment
22 models listed in this Section, and insurers operating in
23 Illinois to develop medical necessity criteria for such
24 treatment models for purposes of coverage under this Section.
25 The workgroup shall use the medical necessity criteria the
26 State and other states use as guidance for establishing medical

1 necessity for insurance coverage. The Department of Insurance
2 shall adopt a rule that defines medical necessity for each of
3 the 3 treatment models listed in this Section by no later than
4 June 30, 2020 based on the workgroup's recommendations.

5 (d) For purposes of credentialing the mental health
6 professionals and other medical professionals that are part of
7 a coordinated specialty care for first episode psychosis
8 treatment team, an ACT team, or a CST team, the credentialing
9 of the psychiatrist or the licensed clinical leader of the
10 treatment team shall qualify all members of the treatment team
11 to be credentialed with the insurer.

12 (e) Payment for the services performed under the treatment
13 models listed in this Section shall be based on a bundled
14 treatment model or payment, rather than payment for each
15 separate service delivered by a treatment team member. By no
16 later than 6 months after January 1, 2020 (the effective date
17 of Public Act 101-461) ~~this amendatory Act of the 101st General~~
18 ~~Assembly~~, the Department of Insurance shall convene a workgroup
19 of Illinois insurance companies and Illinois mental health
20 treatment providers that deliver the bundled treatment
21 approaches listed in this Section to determine a coding
22 solution that allows for these bundled treatment models to be
23 coded and paid for as a bundle of services, similar to
24 intensive outpatient treatment where multiple services are
25 covered under one billing code or a bundled set of billing
26 codes. The coding solution shall ensure that services delivered

1 using coordinated specialty care for first episode psychosis
2 treatment, ACT, or CST are provided and billed as a bundled
3 service, rather than for each individual service provided by a
4 treatment team member, which would deconstruct the
5 evidence-based practice. The coding solution shall be reached
6 prior to coverage, which shall begin for plans amended,
7 delivered, issued, or renewed after December 31, 2020, to
8 ensure coverage of the treatment team approaches as intended by
9 this Section.

10 (f) If, at any time, the Secretary of the United States
11 Department of Health and Human Services, or its successor
12 agency, adopts rules or regulations to be published in the
13 Federal Register or publishes a comment in the Federal Register
14 or issues an opinion, guidance, or other action that would
15 require the State, under any provision of the Patient
16 Protection and Affordable Care Act (P.L. 111-148), including,
17 but not limited to, 42 U.S.C. 18031(d)(3)(b), or any successor
18 provision, to defray the cost of any coverage for serious
19 mental illnesses or serious emotional disturbances outlined in
20 this Section, then the requirement that a group or individual
21 policy of accident and health insurance or managed care plan
22 cover the bundled treatment approaches listed in this Section
23 is inoperative other than any such coverage authorized under
24 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
25 the State shall not assume any obligation for the cost of the
26 coverage.

1 (g) After 5 years following full implementation of this
2 Section, if requested by an insurer, the Department of
3 Insurance shall contract with an independent third party with
4 expertise in analyzing health insurance premiums and costs to
5 perform an independent analysis of the impact coverage of the
6 team-based treatment models listed in this Section has had on
7 insurance premiums in Illinois. If premiums increased by more
8 than 1% annually solely due to coverage of these treatment
9 models, coverage of these models shall no longer be required.

10 (h) The Department of Insurance shall adopt any rules
11 necessary to implement the provisions of this Section by no
12 later than June 30, 2020.

13 (Source: P.A. 101-461, eff. 1-1-20; revised 10-16-19.)

14 (215 ILCS 5/356z.37)

15 Sec. 356z.37 ~~356z.33~~. Whole body skin examination. An
16 individual or group policy of accident and health insurance
17 shall cover, without imposing a deductible, coinsurance,
18 copayment, or any other cost-sharing requirement upon the
19 insured patient, one annual office visit, using appropriate
20 routine evaluation and management Current Procedural
21 Terminology codes or any successor codes, for a whole body skin
22 examination for lesions suspicious for skin cancer. The whole
23 body skin examination shall be indicated using an appropriate
24 International Statistical Classification of Diseases and
25 Related Health Problems code or any successor codes. The

1 provisions of this Section do not apply to the extent such
2 coverage would disqualify a high-deductible health plan from
3 eligibility for a health savings account pursuant to 26 U.S.C.
4 223.

5 (Source: P.A. 101-500, eff. 1-1-20; revised 10-16-19.)

6 (215 ILCS 5/356z.38)

7 Sec. 356z.38 ~~356z.33~~. Human breast milk coverage.

8 (a) Notwithstanding any other provision of this Act,
9 pasteurized donated human breast milk, which may include human
10 milk fortifiers if indicated by a prescribing licensed medical
11 practitioner, shall be covered under an individual or group
12 health insurance for persons who are otherwise eligible for
13 coverage under this Act if the covered person is an infant
14 under the age of 6 months, a licensed medical practitioner
15 prescribes the milk for the covered person, and all of the
16 following conditions are met:

17 (1) the milk is obtained from a human milk bank that
18 meets quality guidelines established by the Human Milk
19 Banking Association of North America or is licensed by the
20 Department of Public Health;

21 (2) the infant's mother is medically or physically
22 unable to produce maternal breast milk or produce maternal
23 breast milk in sufficient quantities to meet the infant's
24 needs or the maternal breast milk is contraindicated;

25 (3) the milk has been determined to be medically

1 necessary for the infant; and

2 (4) one or more of the following applies:

3 (A) the infant's birth weight is below 1,500 grams;

4 (B) the infant has a congenital or acquired
5 condition that places the infant at a high risk for
6 development of necrotizing enterocolitis;

7 (C) the infant has infant hypoglycemia;

8 (D) the infant has congenital heart disease;

9 (E) the infant has had or will have an organ
10 transplant;

11 (F) the infant has sepsis; or

12 (G) the infant has any other serious congenital or
13 acquired condition for which the use of donated human
14 breast milk is medically necessary and supports the
15 treatment and recovery of the infant.

16 (b) Notwithstanding any other provision of this Act,
17 pasteurized donated human breast milk, which may include human
18 milk fortifiers if indicated by a prescribing licensed medical
19 practitioner, shall be covered under an individual or group
20 health insurance for persons who are otherwise eligible for
21 coverage under this Act if the covered person is a child 6
22 months through 12 months of age, a licensed medical
23 practitioner prescribes the milk for the covered person, and
24 all of the following conditions are met:

25 (1) the milk is obtained from a human milk bank that
26 meets quality guidelines established by the Human Milk

1 Banking Association of North America or is licensed by the
2 Department of Public Health;

3 (2) the child's mother is medically or physically
4 unable to produce maternal breast milk or produce maternal
5 breast milk in sufficient quantities to meet the child's
6 needs or the maternal breast milk is contraindicated;

7 (3) the milk has been determined to be medically
8 necessary for the child; and

9 (4) one or more of the following applies:

10 (A) the child has spinal muscular atrophy;

11 (B) the child's birth weight was below 1,500 grams
12 and he or she has long-term feeding or gastrointestinal
13 complications related to prematurity;

14 (C) the child has had or will have an organ
15 transplant; or

16 (D) the child has a congenital or acquired
17 condition for which the use of donated human breast
18 milk is medically necessary and supports the treatment
19 and recovery of the child.

20 (Source: P.A. 101-511, eff. 1-1-20; revised 10-16-19.)

21 (215 ILCS 5/356z.39)

22 Sec. 356z.39 ~~356z.33~~. Coverage of the psychiatric
23 Collaborative Care Model.

24 (a) As used in this Section, "psychiatric Collaborative
25 Care Model" means the evidence-based, integrated behavioral

1 health service delivery method, which includes a formal
2 collaborative arrangement among a primary care team consisting
3 of a primary care provider, a care manager, and a psychiatric
4 consultant, and includes, but is not limited to, the following
5 elements:

6 (1) care directed by the primary care team;

7 (2) structured care management;

8 (3) regular assessments of clinical status using
9 validated tools; and

10 (4) modification of treatment as appropriate.

11 (b) An individual or group policy of accident and health
12 insurance amended, delivered, issued, or renewed on or after
13 January 1, 2020 (the effective date of Public Act 101-574) ~~this~~
14 ~~amendatory Act of the 101st General Assembly~~ or managed care
15 organization that provides mental health benefits shall
16 provide reimbursement for benefits that are delivered through
17 the psychiatric Collaborative Care Model. The following
18 American Medical Association 2018 current procedural
19 terminology codes and Healthcare Common Procedure Coding
20 System code shall be used to bill for benefits delivered
21 through the psychiatric Collaborative Care Model:

22 (1) 99492;

23 (2) 99493;

24 (3) 99494; and

25 (4) G0512.

26 (c) The Director of Insurance shall update the billing

1 codes in subsection (b) if there are any alterations or
2 additions to the billing codes for the psychiatric
3 Collaborative Care Model.

4 (d) An individual or group policy or managed care
5 organization that provides benefits under this Section may deny
6 reimbursement of any billing code listed in this Section on the
7 grounds of medical necessity if such medical necessity
8 determinations are in compliance with the Paul Wellstone and
9 Pete Domenici Mental Health Parity and Addiction Equity Act of
10 2008 and its implementing and related regulations and that such
11 determinations are made in accordance with the utilization
12 review requirements under Section 85 of the Managed Care Reform
13 and Patient Rights Act.

14 (Source: P.A. 101-574, eff. 1-1-20; revised 10-16-19.)

15 (215 ILCS 5/368g)

16 Sec. 368g. Time-based billing.

17 (a) As used in this Section, "CPT code" means the medical
18 billing code set contained in the most recent version of the
19 Current Procedural Terminology code book published by the
20 American Medical Association.

21 (b) A health care plan requiring a health care provider to
22 use a time-based CPT code to bill for health care services
23 shall not apply a time measurement standard that results in
24 fewer units billed than allowed by the CPT code book, except as
25 required by federal law for federally funded ~~federally funded~~

1 patients.

2 (Source: P.A. 101-119, eff. 7-22-19; revised 9-26-19.)

3 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

4 Sec. 370c. Mental and emotional disorders.

5 (a) (1) On and after August 16, 2019 ~~January 1, 2019~~ (the
6 effective date of Public Act 101-386 ~~this amendatory Act of the~~
7 ~~101st General Assembly Public Act 100-1024~~), every insurer that
8 amends, delivers, issues, or renews group accident and health
9 policies providing coverage for hospital or medical treatment
10 or services for illness on an expense-incurred basis shall
11 provide coverage for reasonable and necessary treatment and
12 services for mental, emotional, nervous, or substance use
13 disorders or conditions consistent with the parity
14 requirements of Section 370c.1 of this Code.

15 (2) Each insured that is covered for mental, emotional,
16 nervous, or substance use disorders or conditions shall be free
17 to select the physician licensed to practice medicine in all
18 its branches, licensed clinical psychologist, licensed
19 clinical social worker, licensed clinical professional
20 counselor, licensed marriage and family therapist, licensed
21 speech-language pathologist, or other licensed or certified
22 professional at a program licensed pursuant to the Substance
23 Use Disorder Act of his choice to treat such disorders, and the
24 insurer shall pay the covered charges of such physician
25 licensed to practice medicine in all its branches, licensed

1 clinical psychologist, licensed clinical social worker,
2 licensed clinical professional counselor, licensed marriage
3 and family therapist, licensed speech-language pathologist, or
4 other licensed or certified professional at a program licensed
5 pursuant to the Substance Use Disorder Act up to the limits of
6 coverage, provided (i) the disorder or condition treated is
7 covered by the policy, and (ii) the physician, licensed
8 psychologist, licensed clinical social worker, licensed
9 clinical professional counselor, licensed marriage and family
10 therapist, licensed speech-language pathologist, or other
11 licensed or certified professional at a program licensed
12 pursuant to the Substance Use Disorder Act is authorized to
13 provide said services under the statutes of this State and in
14 accordance with accepted principles of his profession.

15 (3) Insofar as this Section applies solely to licensed
16 clinical social workers, licensed clinical professional
17 counselors, licensed marriage and family therapists, licensed
18 speech-language pathologists, and other licensed or certified
19 professionals at programs licensed pursuant to the Substance
20 Use Disorder Act, those persons who may provide services to
21 individuals shall do so after the licensed clinical social
22 worker, licensed clinical professional counselor, licensed
23 marriage and family therapist, licensed speech-language
24 pathologist, or other licensed or certified professional at a
25 program licensed pursuant to the Substance Use Disorder Act has
26 informed the patient of the desirability of the patient

1 conferring with the patient's primary care physician.

2 (4) "Mental, emotional, nervous, or substance use disorder
3 or condition" means a condition or disorder that involves a
4 mental health condition or substance use disorder that falls
5 under any of the diagnostic categories listed in the mental and
6 behavioral disorders chapter of the current edition of the
7 International Classification of Disease or that is listed in
8 the most recent version of the Diagnostic and Statistical
9 Manual of Mental Disorders. "Mental, emotional, nervous, or
10 substance use disorder or condition" includes any mental health
11 condition that occurs during pregnancy or during the postpartum
12 period and includes, but is not limited to, postpartum
13 depression.

14 (b) (1) (Blank).

15 (2) (Blank).

16 (2.5) (Blank).

17 (3) Unless otherwise prohibited by federal law and
18 consistent with the parity requirements of Section 370c.1 of
19 this Code, the reimbursing insurer that amends, delivers,
20 issues, or renews a group or individual policy of accident and
21 health insurance, a qualified health plan offered through the
22 health insurance marketplace, or a provider of treatment of
23 mental, emotional, nervous, or substance use disorders or
24 conditions shall furnish medical records or other necessary
25 data that substantiate that initial or continued treatment is
26 at all times medically necessary. An insurer shall provide a

1 mechanism for the timely review by a provider holding the same
2 license and practicing in the same specialty as the patient's
3 provider, who is unaffiliated with the insurer, jointly
4 selected by the patient (or the patient's next of kin or legal
5 representative if the patient is unable to act for himself or
6 herself), the patient's provider, and the insurer in the event
7 of a dispute between the insurer and patient's provider
8 regarding the medical necessity of a treatment proposed by a
9 patient's provider. If the reviewing provider determines the
10 treatment to be medically necessary, the insurer shall provide
11 reimbursement for the treatment. Future contractual or
12 employment actions by the insurer regarding the patient's
13 provider may not be based on the provider's participation in
14 this procedure. Nothing prevents the insured from agreeing in
15 writing to continue treatment at his or her expense. When
16 making a determination of the medical necessity for a treatment
17 modality for mental, emotional, nervous, or substance use
18 disorders or conditions, an insurer must make the determination
19 in a manner that is consistent with the manner used to make
20 that determination with respect to other diseases or illnesses
21 covered under the policy, including an appeals process. Medical
22 necessity determinations for substance use disorders shall be
23 made in accordance with appropriate patient placement criteria
24 established by the American Society of Addiction Medicine. No
25 additional criteria may be used to make medical necessity
26 determinations for substance use disorders.

1 (4) A group health benefit plan amended, delivered, issued,
2 or renewed on or after January 1, 2019 (the effective date of
3 Public Act 100-1024) or an individual policy of accident and
4 health insurance or a qualified health plan offered through the
5 health insurance marketplace amended, delivered, issued, or
6 renewed on or after January 1, 2019 (the effective date of
7 Public Act 100-1024):

8 (A) shall provide coverage based upon medical
9 necessity for the treatment of a mental, emotional,
10 nervous, or substance use disorder or condition consistent
11 with the parity requirements of Section 370c.1 of this
12 Code; provided, however, that in each calendar year
13 coverage shall not be less than the following:

14 (i) 45 days of inpatient treatment; and

15 (ii) beginning on June 26, 2006 (the effective date
16 of Public Act 94-921), 60 visits for outpatient
17 treatment including group and individual outpatient
18 treatment; and

19 (iii) for plans or policies delivered, issued for
20 delivery, renewed, or modified after January 1, 2007
21 (the effective date of Public Act 94-906), 20
22 additional outpatient visits for speech therapy for
23 treatment of pervasive developmental disorders that
24 will be in addition to speech therapy provided pursuant
25 to item (ii) of this subparagraph (A); and

26 (B) may not include a lifetime limit on the number of

1 days of inpatient treatment or the number of outpatient
2 visits covered under the plan.

3 (C) (Blank).

4 (5) An issuer of a group health benefit plan or an
5 individual policy of accident and health insurance or a
6 qualified health plan offered through the health insurance
7 marketplace may not count toward the number of outpatient
8 visits required to be covered under this Section an outpatient
9 visit for the purpose of medication management and shall cover
10 the outpatient visits under the same terms and conditions as it
11 covers outpatient visits for the treatment of physical illness.

12 (5.5) An individual or group health benefit plan amended,
13 delivered, issued, or renewed on or after September 9, 2015
14 (the effective date of Public Act 99-480) shall offer coverage
15 for medically necessary acute treatment services and medically
16 necessary clinical stabilization services. The treating
17 provider shall base all treatment recommendations and the
18 health benefit plan shall base all medical necessity
19 determinations for substance use disorders in accordance with
20 the most current edition of the Treatment Criteria for
21 Addictive, Substance-Related, and Co-Occurring Conditions
22 established by the American Society of Addiction Medicine. The
23 treating provider shall base all treatment recommendations and
24 the health benefit plan shall base all medical necessity
25 determinations for medication-assisted treatment in accordance
26 with the most current Treatment Criteria for Addictive,

1 Substance-Related, and Co-Occurring Conditions established by
2 the American Society of Addiction Medicine.

3 As used in this subsection:

4 "Acute treatment services" means 24-hour medically
5 supervised addiction treatment that provides evaluation and
6 withdrawal management and may include biopsychosocial
7 assessment, individual and group counseling, psychoeducational
8 groups, and discharge planning.

9 "Clinical stabilization services" means 24-hour treatment,
10 usually following acute treatment services for substance
11 abuse, which may include intensive education and counseling
12 regarding the nature of addiction and its consequences, relapse
13 prevention, outreach to families and significant others, and
14 aftercare planning for individuals beginning to engage in
15 recovery from addiction.

16 (6) An issuer of a group health benefit plan may provide or
17 offer coverage required under this Section through a managed
18 care plan.

19 (6.5) An individual or group health benefit plan amended,
20 delivered, issued, or renewed on or after January 1, 2019 (the
21 effective date of Public Act 100-1024):

22 (A) shall not impose prior authorization requirements,
23 other than those established under the Treatment Criteria
24 for Addictive, Substance-Related, and Co-Occurring
25 Conditions established by the American Society of
26 Addiction Medicine, on a prescription medication approved

1 by the United States Food and Drug Administration that is
2 prescribed or administered for the treatment of substance
3 use disorders;

4 (B) shall not impose any step therapy requirements,
5 other than those established under the Treatment Criteria
6 for Addictive, Substance-Related, and Co-Occurring
7 Conditions established by the American Society of
8 Addiction Medicine, before authorizing coverage for a
9 prescription medication approved by the United States Food
10 and Drug Administration that is prescribed or administered
11 for the treatment of substance use disorders;

12 (C) shall place all prescription medications approved
13 by the United States Food and Drug Administration
14 prescribed or administered for the treatment of substance
15 use disorders on, for brand medications, the lowest tier of
16 the drug formulary developed and maintained by the
17 individual or group health benefit plan that covers brand
18 medications and, for generic medications, the lowest tier
19 of the drug formulary developed and maintained by the
20 individual or group health benefit plan that covers generic
21 medications; and

22 (D) shall not exclude coverage for a prescription
23 medication approved by the United States Food and Drug
24 Administration for the treatment of substance use
25 disorders and any associated counseling or wraparound
26 services on the grounds that such medications and services

1 were court ordered.

2 (7) (Blank).

3 (8) (Blank).

4 (9) With respect to all mental, emotional, nervous, or
5 substance use disorders or conditions, coverage for inpatient
6 treatment shall include coverage for treatment in a residential
7 treatment center certified or licensed by the Department of
8 Public Health or the Department of Human Services.

9 (c) This Section shall not be interpreted to require
10 coverage for speech therapy or other habilitative services for
11 those individuals covered under Section 356z.15 of this Code.

12 (d) With respect to a group or individual policy of
13 accident and health insurance or a qualified health plan
14 offered through the health insurance marketplace, the
15 Department and, with respect to medical assistance, the
16 Department of Healthcare and Family Services shall each enforce
17 the requirements of this Section and Sections 356z.23 and
18 370c.1 of this Code, the Paul Wellstone and Pete Domenici
19 Mental Health Parity and Addiction Equity Act of 2008, 42
20 U.S.C. 18031(j), and any amendments to, and federal guidance or
21 regulations issued under, those Acts, including, but not
22 limited to, final regulations issued under the Paul Wellstone
23 and Pete Domenici Mental Health Parity and Addiction Equity Act
24 of 2008 and final regulations applying the Paul Wellstone and
25 Pete Domenici Mental Health Parity and Addiction Equity Act of
26 2008 to Medicaid managed care organizations, the Children's

1 Health Insurance Program, and alternative benefit plans.
2 Specifically, the Department and the Department of Healthcare
3 and Family Services shall take action:

4 (1) proactively ensuring compliance by individual and
5 group policies, including by requiring that insurers
6 submit comparative analyses, as set forth in paragraph (6)
7 of subsection (k) of Section 370c.1, demonstrating how they
8 design and apply nonquantitative treatment limitations,
9 both as written and in operation, for mental, emotional,
10 nervous, or substance use disorder or condition benefits as
11 compared to how they design and apply nonquantitative
12 treatment limitations, as written and in operation, for
13 medical and surgical benefits;

14 (2) evaluating all consumer or provider complaints
15 regarding mental, emotional, nervous, or substance use
16 disorder or condition coverage for possible parity
17 violations;

18 (3) performing parity compliance market conduct
19 examinations or, in the case of the Department of
20 Healthcare and Family Services, parity compliance audits
21 of individual and group plans and policies, including, but
22 not limited to, reviews of:

23 (A) nonquantitative treatment limitations,
24 including, but not limited to, prior authorization
25 requirements, concurrent review, retrospective review,
26 step therapy, network admission standards,

1 reimbursement rates, and geographic restrictions;

2 (B) denials of authorization, payment, and
3 coverage; and

4 (C) other specific criteria as may be determined by
5 the Department.

6 The findings and the conclusions of the parity compliance
7 market conduct examinations and audits shall be made public.

8 The Director may adopt rules to effectuate any provisions
9 of the Paul Wellstone and Pete Domenici Mental Health Parity
10 and Addiction Equity Act of 2008 that relate to the business of
11 insurance.

12 (e) Availability of plan information.

13 (1) The criteria for medical necessity determinations
14 made under a group health plan, an individual policy of
15 accident and health insurance, or a qualified health plan
16 offered through the health insurance marketplace with
17 respect to mental health or substance use disorder benefits
18 (or health insurance coverage offered in connection with
19 the plan with respect to such benefits) must be made
20 available by the plan administrator (or the health
21 insurance issuer offering such coverage) to any current or
22 potential participant, beneficiary, or contracting
23 provider upon request.

24 (2) The reason for any denial under a group health
25 benefit plan, an individual policy of accident and health
26 insurance, or a qualified health plan offered through the

1 health insurance marketplace (or health insurance coverage
2 offered in connection with such plan or policy) of
3 reimbursement or payment for services with respect to
4 mental, emotional, nervous, or substance use disorders or
5 conditions benefits in the case of any participant or
6 beneficiary must be made available within a reasonable time
7 and in a reasonable manner and in readily understandable
8 language by the plan administrator (or the health insurance
9 issuer offering such coverage) to the participant or
10 beneficiary upon request.

11 (f) As used in this Section, "group policy of accident and
12 health insurance" and "group health benefit plan" includes (1)
13 State-regulated employer-sponsored group health insurance
14 plans written in Illinois or which purport to provide coverage
15 for a resident of this State; and (2) State employee health
16 plans.

17 (g) (1) As used in this subsection:

18 "Benefits", with respect to insurers, means the benefits
19 provided for treatment services for inpatient and outpatient
20 treatment of substance use disorders or conditions at American
21 Society of Addiction Medicine levels of treatment 2.1
22 (Intensive Outpatient), 2.5 (Partial Hospitalization), 3.1
23 (Clinically Managed Low-Intensity Residential), 3.3
24 (Clinically Managed Population-Specific High-Intensity
25 Residential), 3.5 (Clinically Managed High-Intensity
26 Residential), and 3.7 (Medically Monitored Intensive

1 Inpatient) and OMT (Opioid Maintenance Therapy) services.

2 "Benefits", with respect to managed care organizations,
3 means the benefits provided for treatment services for
4 inpatient and outpatient treatment of substance use disorders
5 or conditions at American Society of Addiction Medicine levels
6 of treatment 2.1 (Intensive Outpatient), 2.5 (Partial
7 Hospitalization), 3.5 (Clinically Managed High-Intensity
8 Residential), and 3.7 (Medically Monitored Intensive
9 Inpatient) and OMT (Opioid Maintenance Therapy) services.

10 "Substance use disorder treatment provider or facility"
11 means a licensed physician, licensed psychologist, licensed
12 psychiatrist, licensed advanced practice registered nurse, or
13 licensed, certified, or otherwise State-approved facility or
14 provider of substance use disorder treatment.

15 (2) A group health insurance policy, an individual health
16 benefit plan, or qualified health plan that is offered through
17 the health insurance marketplace, small employer group health
18 plan, and large employer group health plan that is amended,
19 delivered, issued, executed, or renewed in this State, or
20 approved for issuance or renewal in this State, on or after
21 January 1, 2019 (the effective date of Public Act 100-1023)
22 shall comply with the requirements of this Section and Section
23 370c.1. The services for the treatment and the ongoing
24 assessment of the patient's progress in treatment shall follow
25 the requirements of 77 Ill. Adm. Code 2060.

26 (3) Prior authorization shall not be utilized for the

1 benefits under this subsection. The substance use disorder
2 treatment provider or facility shall notify the insurer of the
3 initiation of treatment. For an insurer that is not a managed
4 care organization, the substance use disorder treatment
5 provider or facility notification shall occur for the
6 initiation of treatment of the covered person within 2 business
7 days. For managed care organizations, the substance use
8 disorder treatment provider or facility notification shall
9 occur in accordance with the protocol set forth in the provider
10 agreement for initiation of treatment within 24 hours. If the
11 managed care organization is not capable of accepting the
12 notification in accordance with the contractual protocol
13 during the 24-hour period following admission, the substance
14 use disorder treatment provider or facility shall have one
15 additional business day to provide the notification to the
16 appropriate managed care organization. Treatment plans shall
17 be developed in accordance with the requirements and timeframes
18 established in 77 Ill. Adm. Code 2060. If the substance use
19 disorder treatment provider or facility fails to notify the
20 insurer of the initiation of treatment in accordance with these
21 provisions, the insurer may follow its normal prior
22 authorization processes.

23 (4) For an insurer that is not a managed care organization,
24 if an insurer determines that benefits are no longer medically
25 necessary, the insurer shall notify the covered person, the
26 covered person's authorized representative, if any, and the

1 covered person's health care provider in writing of the covered
2 person's right to request an external review pursuant to the
3 Health Carrier External Review Act. The notification shall
4 occur within 24 hours following the adverse determination.

5 Pursuant to the requirements of the Health Carrier External
6 Review Act, the covered person or the covered person's
7 authorized representative may request an expedited external
8 review. An expedited external review may not occur if the
9 substance use disorder treatment provider or facility
10 determines that continued treatment is no longer medically
11 necessary. Under this subsection, a request for expedited
12 external review must be initiated within 24 hours following the
13 adverse determination notification by the insurer. Failure to
14 request an expedited external review within 24 hours shall
15 preclude a covered person or a covered person's authorized
16 representative from requesting an expedited external review.

17 If an expedited external review request meets the criteria
18 of the Health Carrier External Review Act, an independent
19 review organization shall make a final determination of medical
20 necessity within 72 hours. If an independent review
21 organization upholds an adverse determination, an insurer
22 shall remain responsible to provide coverage of benefits
23 through the day following the determination of the independent
24 review organization. A decision to reverse an adverse
25 determination shall comply with the Health Carrier External
26 Review Act.

1 (5) The substance use disorder treatment provider or
2 facility shall provide the insurer with 7 business days'
3 advance notice of the planned discharge of the patient from the
4 substance use disorder treatment provider or facility and
5 notice on the day that the patient is discharged from the
6 substance use disorder treatment provider or facility.

7 (6) The benefits required by this subsection shall be
8 provided to all covered persons with a diagnosis of substance
9 use disorder or conditions. The presence of additional related
10 or unrelated diagnoses shall not be a basis to reduce or deny
11 the benefits required by this subsection.

12 (7) Nothing in this subsection shall be construed to
13 require an insurer to provide coverage for any of the benefits
14 in this subsection.

15 (Source: P.A. 100-305, eff. 8-24-17; 100-1023, eff. 1-1-19;
16 100-1024, eff. 1-1-19; 101-81, eff. 7-12-19; 101-386, eff.
17 8-16-19; revised 9-20-19.)

18 (215 ILCS 5/534.3) (from Ch. 73, par. 1065.84-3)

19 Sec. 534.3. Covered claim; unearned premium defined.

20 (a) "Covered claim" means an unpaid claim for a loss
21 arising out of and within the coverage of an insurance policy
22 to which this Article applies and which is in force at the time
23 of the occurrence giving rise to the unpaid claim, including
24 claims presented during any extended discovery period which was
25 purchased from the company before the entry of a liquidation

1 order or which is purchased or obtained from the liquidator
2 after the entry of a liquidation order, made by a person
3 insured under such policy or by a person suffering injury or
4 damage for which a person insured under such policy is legally
5 liable, and for unearned premium, if:

6 (i) The company issuing, assuming, or being allocated
7 the policy becomes an insolvent company as defined in
8 Section 534.4 after the effective date of this Article; and

9 (ii) The claimant or insured is a resident of this
10 State at the time of the insured occurrence, or the
11 property from which a first party claim for damage to
12 property arises is permanently located in this State or, in
13 the case of an unearned premium claim, the policyholder is
14 a resident of this State at the time the policy was issued;
15 provided, that for entities other than an individual, the
16 residence of a claimant, insured, or policyholder is the
17 state in which its principal place of business is located
18 at the time of the insured event.

19 (b) "Covered claim" does not include:

20 (i) any amount in excess of the applicable limits of
21 liability provided by an insurance policy to which this
22 Article applies; nor

23 (ii) any claim for punitive or exemplary damages or
24 fines and penalties paid to government authorities; nor

25 (iii) any first party claim by an insured who is an
26 affiliate of the insolvent company; nor

1 (iv) any first party or third party claim by or against
2 an insured whose net worth on December 31 of the year next
3 preceding the date the insurer becomes an insolvent insurer
4 exceeds \$25,000,000; provided that an insured's net worth
5 on such date shall be deemed to include the aggregate net
6 worth of the insured and all of its affiliates as
7 calculated on a consolidated basis. However, this
8 exclusion shall not apply to third party claims against the
9 insured where the insured has applied for or consented to
10 the appointment of a receiver, trustee, or liquidator for
11 all or a substantial part of its assets, filed a voluntary
12 petition in bankruptcy, filed a petition or an answer
13 seeking a reorganization or arrangement with creditors or
14 to take advantage of any insolvency law, or if an order,
15 judgment, or decree is entered by a court of competent
16 jurisdiction, on the application of a creditor,
17 adjudicating the insured bankrupt or insolvent or
18 approving a petition seeking reorganization of the insured
19 or of all or substantial part of its assets; nor

20 (v) any claim for any amount due any reinsurer,
21 insurer, insurance pool, or underwriting association as
22 subrogated recoveries, reinsurance recoverables,
23 contribution, indemnification or otherwise. No such claim
24 held by a reinsurer, insurer, insurance pool, or
25 underwriting association may be asserted in any legal
26 action against a person insured under a policy issued by an

1 insolvent company other than to the extent such claim
2 exceeds the Fund obligation limitations set forth in
3 Section 537.2 of this Code.

4 (c) "Unearned Premium" means the premium for the unexpired
5 period of a policy which has been terminated prior to the
6 expiration of the period for which premium has been paid and
7 does not mean premium which is returnable to the insured for
8 any other reason.

9 (Source: P.A. 100-1190, eff. 4-5-19; 101-60, eff. 7-12-19;
10 revised 9-20-19.)

11 Section 415. The Dental Service Plan Act is amended by
12 changing Section 47 as follows:

13 (215 ILCS 110/47) (from Ch. 32, par. 690.47)

14 Sec. 47. Continuance privilege; group privilege ~~Group~~
15 type contracts ~~contracts~~.

16 (1) Every service plan contract of a dental service plan
17 corporation which provides that the continued coverage of a
18 beneficiary is contingent upon the continued employment of the
19 subscriber with a particular employer shall further provide for
20 the continuance of such contract in accordance with the
21 requirements set forth in Section 367.2 of the "Illinois
22 Insurance Code", ~~approved June 29, 1937, as amended.~~

23 (2) The requirements of this Section shall apply to all
24 such contracts delivered, issued for delivery, renewed, or

1 amended on or after December 1, 1985 (the effective date of
2 Public Act 84-556) ~~this amendatory Act of 1985.~~

3 (Source: P.A. 84-556; revised 8-23-19.)

4 Section 420. The Health Maintenance Organization Act is
5 amended by changing Section 5-5 as follows:

6 (215 ILCS 125/5-5) (from Ch. 111 1/2, par. 1413)

7 Sec. 5-5. Suspension, revocation, or denial of
8 certification of authority. The Director may suspend or revoke
9 any certificate of authority issued to a health maintenance
10 organization under this Act or deny an application for a
11 certificate of authority if he finds any of the following:

12 (a) The health maintenance organization is operating
13 significantly in contravention of its basic organizational
14 document, its health care plan, or in a manner contrary to
15 that described in any information submitted under Section
16 2-1 or 4-12.

17 (b) The health maintenance organization issues
18 contracts or evidences of coverage or uses a schedule of
19 charges for health care services that do not comply with
20 the requirement of Section 2-1 or 4-12.

21 (c) The health care plan does not provide or arrange
22 for basic health care services, except as provided in
23 Section 4-13 concerning mental health services for clients
24 of the Department of Children and Family Services.

1 (d) The Director of Public Health certifies to the
2 Director that (1) the health maintenance organization does
3 not meet the requirements of Section 2-2 or (2) the health
4 maintenance organization is unable to fulfill its
5 obligations to furnish health care services as required
6 under its health care plan. The Department of Public Health
7 shall promulgate by rule, pursuant to the Illinois
8 Administrative Procedure Act, the precise standards used
9 for determining what constitutes a material
10 misrepresentation, what constitutes a material violation
11 of a contract or evidence of coverage, or what constitutes
12 good faith with regard to certification under this
13 paragraph.

14 (e) The health maintenance organization is no longer
15 financially responsible and may reasonably be expected to
16 be unable to meet its obligations to enrollees or
17 prospective enrollees.

18 (f) The health maintenance organization, or any person
19 on its behalf, has advertised or merchandised its services
20 in an untrue, misrepresentative, misleading, deceptive, or
21 unfair manner.

22 (g) The continued operation of the health maintenance
23 organization would be hazardous to its enrollees.

24 (h) The health maintenance organization has neglected
25 to correct, within the time prescribed by subsection (c) of
26 Section 2-4, any deficiency occurring due to the

1 organization's prescribed minimum net worth or special
2 contingent reserve being impaired.

3 (i) The health maintenance organization has otherwise
4 failed to substantially comply with this Act.

5 (j) The health maintenance organization has failed to
6 meet the requirements for issuance of a certificate of
7 authority set forth in Section 2-2.

8 When the certificate of authority of a health
9 maintenance organization is revoked, the organization
10 shall proceed, immediately following the effective date of
11 the order of revocation, to wind up its affairs and shall
12 conduct no further business except as may be essential to
13 the orderly conclusion of the affairs of the organization.
14 The Director may permit further operation of the
15 organization that he finds to be in the best interest of
16 enrollees to the end that the enrollees will be afforded
17 the greatest practical opportunity to obtain health care
18 services.

19 (k) The health maintenance organization has failed to
20 pay any assessment due under Article V-H of the Illinois
21 Public Aid Code for 60 days following the due date of the
22 payment (as extended by any grace period granted).

23 (Source: P.A. 101-9, eff. 6-5-19; revised 8-23-19.)

24 Section 430. The Use of Credit Information in Personal
25 Insurance Act is amended by changing Section 10 as follows:

1 (215 ILCS 157/10)

2 Sec. 10. Scope. This Act applies to personal insurance and
3 not to commercial insurance. For purposes of this Act,
4 "personal insurance" means private passenger automobile,
5 homeowners, motorcycle, mobile-homeowners and non-commercial
6 dwelling fire insurance policies, and boat, personal
7 watercraft, snowmobile, and recreational vehicle policies
8 ~~polices~~. Such policies must be individually underwritten for
9 personal, family, or household use. No other type of insurance
10 shall be included as personal insurance for the purpose of this
11 Act.

12 (Source: P.A. 93-114, eff. 10-1-03; revised 8-23-19.)

13 Section 435. The Voluntary Health Services Plans Act is
14 amended by changing Section 15.6-1 as follows:

15 (215 ILCS 165/15.6-1) (from Ch. 32, par. 609.6-1)

16 Sec. 15.6-1. Continuance privilege; group ~~privilege~~
17 ~~Group~~ type contracts ~~contracts~~.

18 (1) Every service plan contract of a health service plan
19 corporation which provides that the continued coverage of a
20 beneficiary is contingent upon the continued employment of the
21 subscriber with a particular employer shall further provide for
22 the continuance of such contract in accordance with the
23 requirements set forth in Section 367.2 of the "Illinois

1 Insurance Code", ~~approved June 29, 1937, as amended.~~

2 (2) The requirements of this Section shall apply to all
3 such contracts delivered, issued for delivery, renewed or
4 amended on or after December 1, 1985 (the effective date of
5 Public Act 84-556) ~~this amendatory Act of 1985.~~

6 (Source: P.A. 84-556; revised 8-23-19.)

7 Section 440. The Organ Transplant Medication Notification
8 Act is amended by changing Section 10 as follows:

9 (215 ILCS 175/10)

10 Sec. 10. Definitions. For the purpose of this Act:

11 "Health insurance policy or health care service plan" means
12 any policy of health or accident insurance subject to the
13 provisions of the Illinois Insurance Code, Health Maintenance
14 Organization Act, Voluntary Health Services Plans ~~Plan~~ Act,
15 Counties Code, Illinois Municipal Code, School Code, and State
16 Employees Group Insurance Act of 1971.

17 "Immunosuppressant drugs" mean drugs that are used in
18 immunosuppressive therapy to inhibit or prevent the activity of
19 the immune system. "Immunosuppressant drugs" are used
20 clinically to prevent the rejection of transplanted organs and
21 tissues. "Immunosuppressant drugs" do not include drugs for the
22 treatment of autoimmune diseases or diseases that are most
23 likely of autoimmune origin.

24 (Source: P.A. 96-766, eff. 1-1-10; revised 8-23-19.)

1 Section 445. The Public Utilities Act is amended by
2 changing Sections 5-117, 13-507.1, and 16-130 as follows:

3 (220 ILCS 5/5-117)

4 Sec. 5-117. Supplier diversity goals.

5 (a) The public policy of this State is to collaboratively
6 work with companies that serve Illinois residents to improve
7 their supplier diversity in a non-antagonistic manner.

8 (b) The Commission shall require all gas, electric, and
9 water companies with at least 100,000 customers under its
10 authority, as well as suppliers of wind energy, solar energy,
11 hydroelectricity, nuclear energy, and any other supplier of
12 energy within this State, to submit an annual report by April
13 15, 2015 and every April 15 thereafter, in a searchable Adobe
14 PDF format, on all procurement goals and actual spending for
15 female-owned, minority-owned, veteran-owned, and small
16 business enterprises in the previous calendar year. These goals
17 shall be expressed as a percentage of the total work performed
18 by the entity submitting the report, and the actual spending
19 for all female-owned, minority-owned, veteran-owned, and small
20 business enterprises shall also be expressed as a percentage of
21 the total work performed by the entity submitting the report.

22 (c) Each participating company in its annual report shall
23 include the following information:

24 (1) an explanation of the plan for the next year to

1 increase participation;

2 (2) an explanation of the plan to increase the goals;

3 (3) the areas of procurement each company shall be
4 actively seeking more participation in ~~in~~ the next year;

5 (4) an outline of the plan to alert and encourage
6 potential vendors in that area to seek business from the
7 company;

8 (5) an explanation of the challenges faced in finding
9 quality vendors and offer any suggestions for what the
10 Commission could do to be helpful to identify those
11 vendors;

12 (6) a list of the certifications the company
13 recognizes;

14 (7) the point of contact for any potential vendor who
15 wishes to do business with the company and explain the
16 process for a vendor to enroll with the company as a
17 minority-owned, women-owned, or veteran-owned company; and

18 (8) any particular success stories to encourage other
19 companies to emulate best practices.

20 (d) Each annual report shall include as much State-specific
21 data as possible. If the submitting entity does not submit
22 State-specific data, then the company shall include any
23 national data it does have and explain why it could not submit
24 State-specific data and how it intends to do so in future
25 reports, if possible.

26 (e) Each annual report shall include the rules,

1 regulations, and definitions used for the procurement goals in
2 the company's annual report.

3 (f) The Commission and all participating entities shall
4 hold an annual workshop open to the public in 2015 and every
5 year thereafter on the state of supplier diversity to
6 collaboratively seek solutions to structural impediments to
7 achieving stated goals, including testimony from each
8 participating entity as well as subject matter experts and
9 advocates. The Commission shall publish a database on its
10 website of the point of contact for each participating entity
11 for supplier diversity, along with a list of certifications
12 each company recognizes from the information submitted in each
13 annual report. The Commission shall publish each annual report
14 on its website and shall maintain each annual report for at
15 least 5 years.

16 (Source: P.A. 98-1056, eff. 8-26-14; 99-906, eff. 6-1-17;
17 revised 7-22-19.)

18 (220 ILCS 5/13-507.1)

19 (Section scheduled to be repealed on December 31, 2020)

20 Sec. 13-507.1. In any proceeding permitting, approving,
21 investigating, or establishing rates, charges,
22 classifications, or tariffs for telecommunications services
23 classified as noncompetitive offered or provided by an
24 incumbent local exchange carrier as that term is defined in
25 Section 13-202.5 ~~13-202.1~~ of this Act, the Commission shall not

1 allow any subsidy of Internet services, cable services, or
2 video services by the rates or charges for local exchange
3 telecommunications services, including local services
4 classified as noncompetitive.

5 (Source: P.A. 100-20, eff. 7-1-17; revised 7-22-19.)

6 (220 ILCS 5/16-130)

7 Sec. 16-130. Annual reports ~~Reports~~.

8 (a) The General Assembly finds that it is necessary to have
9 reliable and accurate information regarding the transition to a
10 competitive electric industry. In addition to the annual report
11 requirements pursuant to Section 5-109 of this Act, each
12 electric utility shall file with the Commission a report on the
13 following topics in accordance with the schedule set forth in
14 subsection (b) of this Section:

15 (1) Data on each customer class of the electric utility
16 in which delivery services have been elected, including:

17 (A) number of retail customers in each class that
18 have elected delivery service;

19 (B) kilowatt hours consumed by the customers
20 described in subparagraph (A);

21 (C) revenue loss experienced by the utility as a
22 result of customers electing delivery services or
23 market-based prices as compared to continued service
24 under otherwise applicable tariffed rates;

25 (D) total amount of funds collected from each

1 customer class pursuant to the transition charges
2 authorized in Section 16-108;

3 (E) such ~~Such~~ other information as the Commission
4 may by rule require.

5 (2) A description of any steps taken by the electric
6 utility to mitigate and reduce its costs, including both a
7 detailed description of steps taken during the preceding
8 calendar year and a summary of steps taken since December
9 16, 1997 (the effective date of Public Act 90-561) ~~this~~
10 ~~amendatory Act of 1997~~, and including, to the extent
11 practicable, quantification of the costs mitigated or
12 reduced by specific actions taken by the electric utility.

13 (3) A description of actions taken under Sections
14 5-104, 7-204, 9-220, and 16-111 of this Act. This
15 information shall include, but not be limited to:

16 (A) a description of the actions taken;

17 (B) the effective date of the action;

18 (C) the annual savings or additional charges
19 realized by customers from actions taken, by customer
20 class and total for each year;

21 (D) the accumulated impact on customers by
22 customer class and total; and

23 (E) a summary of the method used to quantify the
24 impact on customers.

25 (4) A summary of the electric utility's use of
26 transitional funding instruments, including a description

1 of the electric utility's use of the proceeds of any
2 transitional funding instruments it has issued in
3 accordance with Article XVIII of this Act.

4 (5) Kilowatt-hours consumed in the twelve months
5 ending December 31, 1996 (which kilowatt-hours are hereby
6 referred to as "base year sales") by customer class
7 multiplied by the revenue per kilowatt hour, adjusted to
8 remove charges added to customers' bills pursuant to
9 Sections 9-221 and 9-222 of this Act, during the twelve
10 months ending December 31, 1996, adjusted for the
11 reductions required by subsection (b) of Section 16-111 and
12 the mitigation factors contained in Section 16-102. This
13 amount shall be stated for: (i) each calendar year
14 preceding the year in which a report is required to be
15 submitted pursuant to subsection (b); and (ii) as a
16 cumulative total of all calendar years beginning with 1998
17 and ending with the calendar year preceding the year in
18 which a report is required to be submitted pursuant to
19 subsection (b).

20 (6) Calculations identical to those required by
21 subparagraph (5) except that base year sales shall be
22 adjusted for growth in the electric utility's service
23 territory, in addition to the other adjustments specified
24 by the first sentence of subparagraph (5).

25 (7) The electric utility's total revenue and net income
26 for each calendar year beginning with 1997 through the

1 calendar year preceding the year in which a report is
2 required to be submitted pursuant to subsection (b) as
3 reported in the electric utility's Form 1 report to the
4 Federal Energy Regulatory Commission.

5 (8) Any consideration in excess of the net book cost as
6 of December 16, 1997 (the effective date of Public Act
7 90-561) ~~this amendatory Act of 1997~~ received by the
8 electric utility during the year from a sale made
9 subsequent to December 16, 1997 (the effective date of
10 Public Act 90-561) ~~this amendatory Act of 1997~~ to a
11 non-affiliated third party of any generating plant that was
12 owned by the electric utility on December 16, 1997 (the
13 effective date of Public Act 90-561) ~~this amendatory Act of~~
14 ~~1997~~.

15 (9) Any consideration received by the electric utility
16 from sales or transfers during the year to an affiliated
17 interest of generating plant, or other plant that
18 represents an investment of \$25,000,000 or more in terms of
19 total depreciated original cost, which generating or other
20 plant were owned by the electric utility prior to December
21 16, 1997 (the effective date of Public Act 90-561) ~~this~~
22 ~~amendatory Act of 1997~~.

23 (10) Any consideration received by an affiliated
24 interest of an electric utility from sales or transfers
25 during the year to a non-affiliated third party of
26 generating plant, but only if: (i) the electric utility had

1 previously sold or transferred such plant to the affiliated
2 interest subsequent to December 16, 1997 (the effective
3 date of Public Act 90-561) ~~this amendatory Act of 1997;~~
4 (ii) the affiliated interest sells or transfers such plant
5 to a non-affiliated third party prior to December 31, 2006;
6 and (iii) the affiliated interest receives consideration
7 for the sale or transfer of such plant to the
8 non-affiliated third party in an amount greater than the
9 cost or price at which such plant was sold or transferred
10 to the affiliated interest by the electric utility.

11 (11) A summary account of those expenditures made for
12 projects, programs, and improvements relating to
13 transmission and distribution including, without
14 limitation, infrastructure expansion, repair and
15 replacement, capital investments, operations and
16 maintenance, and vegetation management, pursuant to a
17 written commitment made under subsection (k) of Section
18 16-111.

19 (b) The information required by subsection (a) shall be
20 filed by each electric utility on or before March 1 of each
21 year 1999 through 2007 or through such additional years as the
22 electric utility is collecting transition charges pursuant to
23 subsection (f) of Section 16-108, for the previous calendar
24 year. The information required by subparagraph (6) of
25 subsection (a) for calendar year 1997 shall be submitted by the
26 electric utility on or before March 1, 1999.

1 (c) On or before May 15 of each year 1999 through 2006 or
2 through such additional years as the electric utility is
3 collecting transition charges pursuant to subsection (f) of
4 Section 16-108, the Commission shall submit a report to the
5 General Assembly which summarizes the information provided by
6 each electric utility under this Section; provided, however,
7 that proprietary or confidential information shall not be
8 publicly disclosed.

9 (Source: P.A. 90-561, eff. 12-16-97; 91-50, eff. 6-30-99;
10 revised 7-22-19.)

11 Section 450. The Illinois Dental Practice Act is amended by
12 changing Sections 4 and 17 as follows:

13 (225 ILCS 25/4) (from Ch. 111, par. 2304)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 4. Definitions. As used in this Act:

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file as maintained by the Department's
19 licensure maintenance unit. It is the duty of the applicant or
20 licensee to inform the Department of any change of address and
21 those changes must be made either through the Department's
22 website or by contacting the Department.

23 "Department" means the Department of Financial and
24 Professional Regulation.

1 "Secretary" means the Secretary of Financial and
2 Professional Regulation.

3 "Board" means the Board of Dentistry.

4 "Dentist" means a person who has received a general license
5 pursuant to paragraph (a) of Section 11 of this Act and who may
6 perform any intraoral and extraoral procedure required in the
7 practice of dentistry and to whom is reserved the
8 responsibilities specified in Section 17.

9 "Dental hygienist" means a person who holds a license under
10 this Act to perform dental services as authorized by Section
11 18.

12 "Dental assistant" means an appropriately trained person
13 who, under the supervision of a dentist, provides dental
14 services as authorized by Section 17.

15 "Expanded function dental assistant" means a dental
16 assistant who has completed the training required by Section
17 17.1 of this Act.

18 "Dental laboratory" means a person, firm or corporation
19 which:

20 (i) engages in making, providing, repairing or
21 altering dental prosthetic appliances and other artificial
22 materials and devices which are returned to a dentist for
23 insertion into the human oral cavity or which come in
24 contact with its adjacent structures and tissues; and

25 (ii) utilizes or employs a dental technician to provide
26 such services; and

1 (iii) performs such functions only for a dentist or
2 dentists.

3 "Supervision" means supervision of a dental hygienist or a
4 dental assistant requiring that a dentist authorize the
5 procedure, remain in the dental facility while the procedure is
6 performed, and approve the work performed by the dental
7 hygienist or dental assistant before dismissal of the patient,
8 but does not mean that the dentist must be present at all times
9 in the treatment room.

10 "General supervision" means supervision of a dental
11 hygienist requiring that the patient be a patient of record,
12 that the dentist examine the patient in accordance with Section
13 18 prior to treatment by the dental hygienist, and that the
14 dentist authorize the procedures which are being carried out by
15 a notation in the patient's record, but not requiring that a
16 dentist be present when the authorized procedures are being
17 performed. The issuance of a prescription to a dental
18 laboratory by a dentist does not constitute general
19 supervision.

20 "Public member" means a person who is not a health
21 professional. For purposes of board membership, any person with
22 a significant financial interest in a health service or
23 profession is not a public member.

24 "Dentistry" means the healing art which is concerned with
25 the examination, diagnosis, treatment planning and care of
26 conditions within the human oral cavity and its adjacent

1 tissues and structures, as further specified in Section 17.

2 "Branches of dentistry" means the various specialties of
3 dentistry which, for purposes of this Act, shall be limited to
4 the following: endodontics, oral and maxillofacial surgery,
5 orthodontics and dentofacial orthopedics, pediatric dentistry,
6 periodontics, prosthodontics, and oral and maxillofacial
7 radiology.

8 "Specialist" means a dentist who has received a specialty
9 license pursuant to Section 11(b).

10 "Dental technician" means a person who owns, operates or is
11 employed by a dental laboratory and engages in making,
12 providing, repairing or altering dental prosthetic appliances
13 and other artificial materials and devices which are returned
14 to a dentist for insertion into the human oral cavity or which
15 come in contact with its adjacent structures and tissues.

16 "Impaired dentist" or "impaired dental hygienist" means a
17 dentist or dental hygienist who is unable to practice with
18 reasonable skill and safety because of a physical or mental
19 disability as evidenced by a written determination or written
20 consent based on clinical evidence, including deterioration
21 through the aging process, loss of motor skills, abuse of drugs
22 or alcohol, or a psychiatric disorder, of sufficient degree to
23 diminish the person's ability to deliver competent patient
24 care.

25 "Nurse" means a registered professional nurse, a certified
26 registered nurse anesthetist licensed as an advanced practice

1 registered nurse, or a licensed practical nurse licensed under
2 the Nurse Practice Act.

3 "Patient of record" means a patient for whom the patient's
4 most recent dentist has obtained a relevant medical and dental
5 history and on whom the dentist has performed an examination
6 and evaluated the condition to be treated.

7 "Dental responder" means a dentist or dental hygienist who
8 is appropriately certified in disaster preparedness,
9 immunizations, and dental humanitarian medical response
10 consistent with the Society of Disaster Medicine and Public
11 Health and training certified by the National Incident
12 Management System or the National Disaster Life Support
13 Foundation.

14 "Mobile dental van or portable dental unit" means any
15 self-contained or portable dental unit in which dentistry is
16 practiced that can be moved, towed, or transported from one
17 location to another in order to establish a location where
18 dental services can be provided.

19 "Public health dental hygienist" means a hygienist who
20 holds a valid license to practice in the State, has 2 years of
21 full-time clinical experience or an equivalent of 4,000 hours
22 of clinical experience and has completed at least 42 clock
23 hours of additional structured courses in dental education in
24 advanced areas specific to public health dentistry.

25 "Public health setting" means a federally qualified health
26 center; a federal, State, or local public health facility; Head

1 Start; a special supplemental nutrition program for Women,
2 Infants, and Children (WIC) facility; or a certified
3 school-based health center or school-based oral health
4 program.

5 "Public health supervision" means the supervision of a
6 public health dental hygienist by a licensed dentist who has a
7 written public health supervision agreement with that public
8 health dental hygienist while working in an approved facility
9 or program that allows the public health dental hygienist to
10 treat patients, without a dentist first examining the patient
11 and being present in the facility during treatment, (1) who are
12 eligible for Medicaid or (2) who are uninsured and whose
13 household income is not greater than 200% of the federal
14 poverty level.

15 "Teledentistry" means the use of telehealth systems and
16 methodologies in dentistry and includes patient care and
17 education delivery using synchronous and asynchronous
18 communications under a dentist's authority as provided under
19 this Act.

20 (Source: P.A. 100-215, eff. 1-1-18; 100-513, eff. 1-1-18;
21 100-863, eff. 8-14-18; 101-64, eff. 7-12-19; 101-162, eff.
22 7-26-19; revised 9-27-19.)

23 (225 ILCS 25/17) (from Ch. 111, par. 2317)

24 (Section scheduled to be repealed on January 1, 2026)

25 Sec. 17. Acts constituting the practice of dentistry. A

1 person practices dentistry, within the meaning of this Act:

2 (1) Who represents himself or herself as being able to
3 diagnose or diagnoses, treats, prescribes, or operates for
4 any disease, pain, deformity, deficiency, injury, or
5 physical condition of the human tooth, teeth, alveolar
6 process, gums or jaw; or

7 (2) Who is a manager, proprietor, operator or conductor
8 of a business where dental operations are performed; or

9 (3) Who performs dental operations of any kind; or

10 (4) Who uses an X-Ray machine or X-Ray films for dental
11 diagnostic purposes; or

12 (5) Who extracts a human tooth or teeth, or corrects or
13 attempts to correct malpositions of the human teeth or
14 jaws; or

15 (6) Who offers or undertakes, by any means or method,
16 to diagnose, treat or remove stains, calculus, and bonding
17 materials from human teeth or jaws; or

18 (7) Who uses or administers local or general
19 anesthetics in the treatment of dental or oral diseases or
20 in any preparation incident to a dental operation of any
21 kind or character; or

22 (8) Who takes material or digital scans for final
23 impressions of the human tooth, teeth, or jaws or performs
24 any phase of any operation incident to the replacement of a
25 part of a tooth, a tooth, teeth or associated tissues by
26 means of a filling, crown, a bridge, a denture or other

1 appliance; or

2 (9) Who offers to furnish, supply, construct,
3 reproduce or repair, or who furnishes, supplies,
4 constructs, reproduces or repairs, prosthetic dentures,
5 bridges or other substitutes for natural teeth, to the user
6 or prospective user thereof; or

7 (10) Who instructs students on clinical matters or
8 performs any clinical operation included in the curricula
9 of recognized dental schools and colleges; or

10 (11) Who takes material or digital scans for final
11 impressions of human teeth or places his or her hands in
12 the mouth of any person for the purpose of applying teeth
13 whitening materials, or who takes impressions of human
14 teeth or places his or her hands in the mouth of any person
15 for the purpose of assisting in the application of teeth
16 whitening materials. A person does not practice dentistry
17 when he or she discloses to the consumer that he or she is
18 not licensed as a dentist under this Act and (i) discusses
19 the use of teeth whitening materials with a consumer
20 purchasing these materials; (ii) provides instruction on
21 the use of teeth whitening materials with a consumer
22 purchasing these materials; or (iii) provides appropriate
23 equipment on-site to the consumer for the consumer to
24 self-apply teeth whitening materials.

25 The fact that any person engages in or performs, or offers
26 to engage in or perform, any of the practices, acts, or

1 operations set forth in this Section, shall be prima facie
2 evidence that such person is engaged in the practice of
3 dentistry.

4 The following practices, acts, and operations, however,
5 are exempt from the operation of this Act:

6 (a) The rendering of dental relief in emergency cases
7 in the practice of his or her profession by a physician or
8 surgeon, licensed as such under the laws of this State,
9 unless he or she undertakes to reproduce or reproduces lost
10 parts of the human teeth in the mouth or to restore or
11 replace lost or missing teeth in the mouth; or

12 (b) The practice of dentistry in the discharge of their
13 official duties by dentists in any branch of the Armed
14 Services of the United States, the United States Public
15 Health Service, or the United States Veterans
16 Administration; or

17 (c) The practice of dentistry by students in their
18 course of study in dental schools or colleges approved by
19 the Department, when acting under the direction and
20 supervision of dentists acting as instructors; or

21 (d) The practice of dentistry by clinical instructors
22 in the course of their teaching duties in dental schools or
23 colleges approved by the Department:

24 (i) when acting under the direction and
25 supervision of dentists, provided that such clinical
26 instructors have instructed continuously in this State

1 since January 1, 1986; or

2 (ii) when holding the rank of full professor at
3 such approved dental school or college and possessing a
4 current valid license or authorization to practice
5 dentistry in another country; or

6 (e) The practice of dentistry by licensed dentists of
7 other states or countries at meetings of the Illinois State
8 Dental Society or component parts thereof, alumni meetings
9 of dental colleges, or any other like dental organizations,
10 while appearing as clinicians; or

11 (f) The use of X-Ray machines for exposing X-Ray films
12 of dental or oral tissues by dental hygienists or dental
13 assistants; or

14 (g) The performance of any dental service by a dental
15 assistant, if such service is performed under the
16 supervision and full responsibility of a dentist. In
17 addition, after being authorized by a dentist, a dental
18 assistant may, for the purpose of eliminating pain or
19 discomfort, remove loose, broken, or irritating
20 orthodontic appliances on a patient of record.

21 For purposes of this paragraph (g), "dental service" is
22 defined to mean any intraoral procedure or act which shall
23 be prescribed by rule or regulation of the Department.
24 Dental service, however, shall not include:

25 (1) Any and all diagnosis of or prescription for
26 treatment of disease, pain, deformity, deficiency,

1 injury or physical condition of the human teeth or
2 jaws, or adjacent structures.

3 (2) Removal of, or restoration of, or addition to
4 the hard or soft tissues of the oral cavity, except for
5 the placing, carving, and finishing of amalgam
6 restorations and placing, packing, and finishing
7 composite restorations by dental assistants who have
8 had additional formal education and certification.

9 A dental assistant may place, carve, and finish
10 amalgam restorations, place, pack, and finish
11 composite restorations, and place interim restorations
12 if he or she (A) has successfully completed a
13 structured training program as described in item (2) of
14 subsection (g) provided by an educational institution
15 accredited by the Commission on Dental Accreditation,
16 such as a dental school or dental hygiene or dental
17 assistant program, or (B) has at least 4,000 hours of
18 direct clinical patient care experience and has
19 successfully completed a structured training program
20 as described in item (2) of subsection (g) provided by
21 a statewide dental association, approved by the
22 Department to provide continuing education, that has
23 developed and conducted training programs for expanded
24 functions for dental assistants or hygienists. The
25 training program must: (i) include a minimum of 16
26 hours of didactic study and 14 hours of clinical

1 manikin instruction; all training programs shall
2 include areas of study in nomenclature, caries
3 classifications, oral anatomy, periodontium, basic
4 occlusion, instrumentations, pulp protection liners
5 and bases, dental materials, matrix and wedge
6 techniques, amalgam placement and carving, rubber dam
7 clamp placement, and rubber dam placement and removal;
8 (ii) include an outcome assessment examination that
9 demonstrates competency; (iii) require the supervising
10 dentist to observe and approve the completion of 8
11 amalgam or composite restorations; and (iv) issue a
12 certificate of completion of the training program,
13 which must be kept on file at the dental office and be
14 made available to the Department upon request. A dental
15 assistant must have successfully completed an approved
16 coronal polishing and dental sealant course prior to
17 taking the amalgam and composite restoration course.

18 A dentist utilizing dental assistants shall not
19 supervise more than 4 dental assistants at any one time
20 for placing, carving, and finishing of amalgam
21 restorations or for placing, packing, and finishing
22 composite restorations.

23 (3) Any and all correction of malformation of teeth
24 or of the jaws.

25 (4) Administration of anesthetics, except for
26 monitoring of nitrous oxide, conscious sedation, deep

1 sedation, and general anesthetic as provided in
2 Section 8.1 of this Act, that may be performed only
3 after successful completion of a training program
4 approved by the Department. A dentist utilizing dental
5 assistants shall not supervise more than 4 dental
6 assistants at any one time for the monitoring of
7 nitrous oxide.

8 (5) Removal of calculus from human teeth.

9 (6) Taking of material or digital scans for final
10 impressions for the fabrication of prosthetic
11 appliances, crowns, bridges, inlays, onlays, or other
12 restorative or replacement dentistry.

13 (7) The operative procedure of dental hygiene
14 consisting of oral prophylactic procedures, except for
15 coronal polishing and pit and fissure sealants, which
16 may be performed by a dental assistant who has
17 successfully completed a training program approved by
18 the Department. Dental assistants may perform coronal
19 polishing under the following circumstances: (i) the
20 coronal polishing shall be limited to polishing the
21 clinical crown of the tooth and existing restorations,
22 supragingivally; (ii) the dental assistant performing
23 the coronal polishing shall be limited to the use of
24 rotary instruments using a rubber cup or brush
25 polishing method (air polishing is not permitted); and
26 (iii) the supervising dentist shall not supervise more

1 than 4 dental assistants at any one time for the task
2 of coronal polishing or pit and fissure sealants.

3 In addition to coronal polishing and pit and
4 fissure sealants as described in this item (7), a
5 dental assistant who has at least 2,000 hours of direct
6 clinical patient care experience and who has
7 successfully completed a structured training program
8 provided by (1) an educational institution such as a
9 dental school or dental hygiene or dental assistant
10 program, or (2) by a statewide dental or dental
11 hygienist association, approved by the Department on
12 or before January 1, 2017 (the effective date of Public
13 Act 99-680) ~~this amendatory Act of the 99th General~~
14 ~~Assembly~~, that has developed and conducted a training
15 program for expanded functions for dental assistants
16 or hygienists may perform: (A) coronal scaling above
17 the gum line, supragingivally, on the clinical crown of
18 the tooth only on patients 12 years of age or younger
19 who have an absence of periodontal disease and who are
20 not medically compromised or individuals with special
21 needs and (B) intracoronal temporization of a tooth.
22 The training program must: (I) include a minimum of 16
23 hours of instruction in both didactic and clinical
24 manikin or human subject instruction; all training
25 programs shall include areas of study in dental
26 anatomy, public health dentistry, medical history,

1 dental emergencies, and managing the pediatric
2 patient; (II) include an outcome assessment
3 examination that demonstrates competency; (III)
4 require the supervising dentist to observe and approve
5 the completion of 6 full mouth supragingival scaling
6 procedures; and (IV) issue a certificate of completion
7 of the training program, which must be kept on file at
8 the dental office and be made available to the
9 Department upon request. A dental assistant must have
10 successfully completed an approved coronal polishing
11 course prior to taking the coronal scaling course. A
12 dental assistant performing these functions shall be
13 limited to the use of hand instruments only. In
14 addition, coronal scaling as described in this
15 paragraph shall only be utilized on patients who are
16 eligible for Medicaid or who are uninsured and whose
17 household income is not greater than 200% of the
18 federal poverty level. A dentist may not supervise more
19 than 2 dental assistants at any one time for the task
20 of coronal scaling. This paragraph is inoperative on
21 and after January 1, 2026.

22 The limitations on the number of dental assistants a
23 dentist may supervise contained in items (2), (4), and (7)
24 of this paragraph (g) mean a limit of 4 total dental
25 assistants or dental hygienists doing expanded functions
26 covered by these Sections being supervised by one dentist;

1 or-

2 (h) The practice of dentistry by an individual who:

3 (i) has applied in writing to the Department, in
4 form and substance satisfactory to the Department, for
5 a general dental license and has complied with all
6 provisions of Section 9 of this Act, except for the
7 passage of the examination specified in subsection (e)
8 of Section 9 of this Act; or

9 (ii) has applied in writing to the Department, in
10 form and substance satisfactory to the Department, for
11 a temporary dental license and has complied with all
12 provisions of subsection (c) of Section 11 of this Act;
13 and

14 (iii) has been accepted or appointed for specialty
15 or residency training by a hospital situated in this
16 State; or

17 (iv) has been accepted or appointed for specialty
18 training in an approved dental program situated in this
19 State; or

20 (v) has been accepted or appointed for specialty
21 training in a dental public health agency situated in
22 this State.

23 The applicant shall be permitted to practice dentistry
24 for a period of 3 months from the starting date of the
25 program, unless authorized in writing by the Department to
26 continue such practice for a period specified in writing by

1 the Department.

2 The applicant shall only be entitled to perform such
3 acts as may be prescribed by and incidental to his or her
4 program of residency or specialty training and shall not
5 otherwise engage in the practice of dentistry in this
6 State.

7 The authority to practice shall terminate immediately
8 upon:

9 (1) the decision of the Department that the
10 applicant has failed the examination; or

11 (2) denial of licensure by the Department; or

12 (3) withdrawal of the application.

13 (Source: P.A. 100-215, eff. 1-1-18; 100-976, eff. 1-1-19;
14 101-162, eff. 7-26-19; revised 9-19-19.)

15 Section 455. The Medical Practice Act of 1987 is amended by
16 changing Sections 22 and 36 as follows:

17 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 22. Disciplinary action.

20 (A) The Department may revoke, suspend, place on probation,
21 reprimand, refuse to issue or renew, or take any other
22 disciplinary or non-disciplinary action as the Department may
23 deem proper with regard to the license or permit of any person
24 issued under this Act, including imposing fines not to exceed

1 \$10,000 for each violation, upon any of the following grounds:

2 (1) (Blank).

3 (2) (Blank).

4 (3) A plea of guilty or nolo contendere, finding of
5 guilt, jury verdict, or entry of judgment or sentencing,
6 including, but not limited to, convictions, preceding
7 sentences of supervision, conditional discharge, or first
8 offender probation, under the laws of any jurisdiction of
9 the United States of any crime that is a felony.

10 (4) Gross negligence in practice under this Act.

11 (5) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public.

14 (6) Obtaining any fee by fraud, deceit, or
15 misrepresentation.

16 (7) Habitual or excessive use or abuse of drugs defined
17 in law as controlled substances, of alcohol, or of any
18 other substances which results in the inability to practice
19 with reasonable judgment, skill, or safety.

20 (8) Practicing under a false or, except as provided by
21 law, an assumed name.

22 (9) Fraud or misrepresentation in applying for, or
23 procuring, a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (10) Making a false or misleading statement regarding
26 their skill or the efficacy or value of the medicine,

1 treatment, or remedy prescribed by them at their direction
2 in the treatment of any disease or other condition of the
3 body or mind.

4 (11) Allowing another person or organization to use
5 their license, procured under this Act, to practice.

6 (12) Adverse action taken by another state or
7 jurisdiction against a license or other authorization to
8 practice as a medical doctor, doctor of osteopathy, doctor
9 of osteopathic medicine or doctor of chiropractic, a
10 certified copy of the record of the action taken by the
11 other state or jurisdiction being prima facie evidence
12 thereof. This includes any adverse action taken by a State
13 or federal agency that prohibits a medical doctor, doctor
14 of osteopathy, doctor of osteopathic medicine, or doctor of
15 chiropractic from providing services to the agency's
16 participants.

17 (13) Violation of any provision of this Act or of the
18 Medical Practice Act prior to the repeal of that Act, or
19 violation of the rules, or a final administrative action of
20 the Secretary, after consideration of the recommendation
21 of the Disciplinary Board.

22 (14) Violation of the prohibition against fee
23 splitting in Section 22.2 of this Act.

24 (15) A finding by the Disciplinary Board that the
25 registrant after having his or her license placed on
26 probationary status or subjected to conditions or

1 restrictions violated the terms of the probation or failed
2 to comply with such terms or conditions.

3 (16) Abandonment of a patient.

4 (17) Prescribing, selling, administering,
5 distributing, giving, or self-administering any drug
6 classified as a controlled substance (designated product)
7 or narcotic for other than medically accepted therapeutic
8 purposes.

9 (18) Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in such manner
11 as to exploit the patient for financial gain of the
12 physician.

13 (19) Offering, undertaking, or agreeing to cure or
14 treat disease by a secret method, procedure, treatment, or
15 medicine, or the treating, operating, or prescribing for
16 any human condition by a method, means, or procedure which
17 the licensee refuses to divulge upon demand of the
18 Department.

19 (20) Immoral conduct in the commission of any act
20 including, but not limited to, commission of an act of
21 sexual misconduct related to the licensee's practice.

22 (21) Willfully making or filing false records or
23 reports in his or her practice as a physician, including,
24 but not limited to, false records to support claims against
25 the medical assistance program of the Department of
26 Healthcare and Family Services (formerly Department of

1 Public Aid) under the Illinois Public Aid Code.

2 (22) Willful omission to file or record, or willfully
3 impeding the filing or recording, or inducing another
4 person to omit to file or record, medical reports as
5 required by law, or willfully failing to report an instance
6 of suspected abuse or neglect as required by law.

7 (23) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act, and
10 upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act.

14 (24) Solicitation of professional patronage by any
15 corporation, agents or persons, or profiting from those
16 representing themselves to be agents of the licensee.

17 (25) Gross and willful and continued overcharging for
18 professional services, including filing false statements
19 for collection of fees for which services are not rendered,
20 including, but not limited to, filing such false statements
21 for collection of monies for services not rendered from the
22 medical assistance program of the Department of Healthcare
23 and Family Services (formerly Department of Public Aid)
24 under the Illinois Public Aid Code.

25 (26) A pattern of practice or other behavior which
26 demonstrates incapacity or incompetence to practice under

1 this Act.

2 (27) Mental illness or disability which results in the
3 inability to practice under this Act with reasonable
4 judgment, skill, or safety.

5 (28) Physical illness, including, but not limited to,
6 deterioration through the aging process, or loss of motor
7 skill which results in a physician's inability to practice
8 under this Act with reasonable judgment, skill, or safety.

9 (29) Cheating on or attempt to subvert the licensing
10 examinations administered under this Act.

11 (30) Willfully or negligently violating the
12 confidentiality between physician and patient except as
13 required by law.

14 (31) The use of any false, fraudulent, or deceptive
15 statement in any document connected with practice under
16 this Act.

17 (32) Aiding and abetting an individual not licensed
18 under this Act in the practice of a profession licensed
19 under this Act.

20 (33) Violating state or federal laws or regulations
21 relating to controlled substances, legend drugs, or
22 ephedra as defined in the Ephedra Prohibition Act.

23 (34) Failure to report to the Department any adverse
24 final action taken against them by another licensing
25 jurisdiction (any other state or any territory of the
26 United States or any foreign state or country), by any peer

1 review body, by any health care institution, by any
2 professional society or association related to practice
3 under this Act, by any governmental agency, by any law
4 enforcement agency, or by any court for acts or conduct
5 similar to acts or conduct which would constitute grounds
6 for action as defined in this Section.

7 (35) Failure to report to the Department surrender of a
8 license or authorization to practice as a medical doctor, a
9 doctor of osteopathy, a doctor of osteopathic medicine, or
10 doctor of chiropractic in another state or jurisdiction, or
11 surrender of membership on any medical staff or in any
12 medical or professional association or society, while
13 under disciplinary investigation by any of those
14 authorities or bodies, for acts or conduct similar to acts
15 or conduct which would constitute grounds for action as
16 defined in this Section.

17 (36) Failure to report to the Department any adverse
18 judgment, settlement, or award arising from a liability
19 claim related to acts or conduct similar to acts or conduct
20 which would constitute grounds for action as defined in
21 this Section.

22 (37) Failure to provide copies of medical records as
23 required by law.

24 (38) Failure to furnish the Department, its
25 investigators or representatives, relevant information,
26 legally requested by the Department after consultation

1 with the Chief Medical Coordinator or the Deputy Medical
2 Coordinator.

3 (39) Violating the Health Care Worker Self-Referral
4 Act.

5 (40) Willful failure to provide notice when notice is
6 required under the Parental Notice of Abortion Act of 1995.

7 (41) Failure to establish and maintain records of
8 patient care and treatment as required by this law.

9 (42) Entering into an excessive number of written
10 collaborative agreements with licensed advanced practice
11 registered nurses resulting in an inability to adequately
12 collaborate.

13 (43) Repeated failure to adequately collaborate with a
14 licensed advanced practice registered nurse.

15 (44) Violating the Compassionate Use of Medical
16 Cannabis Program Act.

17 (45) Entering into an excessive number of written
18 collaborative agreements with licensed prescribing
19 psychologists resulting in an inability to adequately
20 collaborate.

21 (46) Repeated failure to adequately collaborate with a
22 licensed prescribing psychologist.

23 (47) Willfully failing to report an instance of
24 suspected abuse, neglect, financial exploitation, or
25 self-neglect of an eligible adult as defined in and
26 required by the Adult Protective Services Act.

1 (48) Being named as an abuser in a verified report by
2 the Department on Aging under the Adult Protective Services
3 Act, and upon proof by clear and convincing evidence that
4 the licensee abused, neglected, or financially exploited
5 an eligible adult as defined in the Adult Protective
6 Services Act.

7 (49) Entering into an excessive number of written
8 collaborative agreements with licensed physician
9 assistants resulting in an inability to adequately
10 collaborate.

11 (50) Repeated failure to adequately collaborate with a
12 physician assistant.

13 Except for actions involving the ground numbered (26), all
14 proceedings to suspend, revoke, place on probationary status,
15 or take any other disciplinary action as the Department may
16 deem proper, with regard to a license on any of the foregoing
17 grounds, must be commenced within 5 years next after receipt by
18 the Department of a complaint alleging the commission of or
19 notice of the conviction order for any of the acts described
20 herein. Except for the grounds numbered (8), (9), (26), and
21 (29), no action shall be commenced more than 10 years after the
22 date of the incident or act alleged to have violated this
23 Section. For actions involving the ground numbered (26), a
24 pattern of practice or other behavior includes all incidents
25 alleged to be part of the pattern of practice or other behavior
26 that occurred, or a report pursuant to Section 23 of this Act

1 received, within the 10-year period preceding the filing of the
2 complaint. In the event of the settlement of any claim or cause
3 of action in favor of the claimant or the reduction to final
4 judgment of any civil action in favor of the plaintiff, such
5 claim, cause of action, or civil action being grounded on the
6 allegation that a person licensed under this Act was negligent
7 in providing care, the Department shall have an additional
8 period of 2 years from the date of notification to the
9 Department under Section 23 of this Act of such settlement or
10 final judgment in which to investigate and commence formal
11 disciplinary proceedings under Section 36 of this Act, except
12 as otherwise provided by law. The time during which the holder
13 of the license was outside the State of Illinois shall not be
14 included within any period of time limiting the commencement of
15 disciplinary action by the Department.

16 The entry of an order or judgment by any circuit court
17 establishing that any person holding a license under this Act
18 is a person in need of mental treatment operates as a
19 suspension of that license. That person may resume his or her
20 ~~their~~ practice only upon the entry of a Departmental order
21 based upon a finding by the Disciplinary Board that the person
22 has ~~they have~~ been determined to be recovered from mental
23 illness by the court and upon the Disciplinary Board's
24 recommendation that the person ~~they~~ be permitted to resume his
25 or her ~~their~~ practice.

26 The Department may refuse to issue or take disciplinary

1 action concerning the license of any person who fails to file a
2 return, or to pay the tax, penalty, or interest shown in a
3 filed return, or to pay any final assessment of tax, penalty,
4 or interest, as required by any tax Act administered by the
5 Illinois Department of Revenue, until such time as the
6 requirements of any such tax Act are satisfied as determined by
7 the Illinois Department of Revenue.

8 The Department, upon the recommendation of the
9 Disciplinary Board, shall adopt rules which set forth standards
10 to be used in determining:

11 (a) when a person will be deemed sufficiently
12 rehabilitated to warrant the public trust;

13 (b) what constitutes dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public;

16 (c) what constitutes immoral conduct in the commission
17 of any act, including, but not limited to, commission of an
18 act of sexual misconduct related to the licensee's
19 practice; and

20 (d) what constitutes gross negligence in the practice
21 of medicine.

22 However, no such rule shall be admissible into evidence in
23 any civil action except for review of a licensing or other
24 disciplinary action under this Act.

25 In enforcing this Section, the Disciplinary Board or the
26 Licensing Board, upon a showing of a possible violation, may

1 compel, in the case of the Disciplinary Board, any individual
2 who is licensed to practice under this Act or holds a permit to
3 practice under this Act, or, in the case of the Licensing
4 Board, any individual who has applied for licensure or a permit
5 pursuant to this Act, to submit to a mental or physical
6 examination and evaluation, or both, which may include a
7 substance abuse or sexual offender evaluation, as required by
8 the Licensing Board or Disciplinary Board and at the expense of
9 the Department. The Disciplinary Board or Licensing Board shall
10 specifically designate the examining physician licensed to
11 practice medicine in all of its branches or, if applicable, the
12 multidisciplinary team involved in providing the mental or
13 physical examination and evaluation, or both. The
14 multidisciplinary team shall be led by a physician licensed to
15 practice medicine in all of its branches and may consist of one
16 or more or a combination of physicians licensed to practice
17 medicine in all of its branches, licensed chiropractic
18 physicians, licensed clinical psychologists, licensed clinical
19 social workers, licensed clinical professional counselors, and
20 other professional and administrative staff. Any examining
21 physician or member of the multidisciplinary team may require
22 any person ordered to submit to an examination and evaluation
23 pursuant to this Section to submit to any additional
24 supplemental testing deemed necessary to complete any
25 examination or evaluation process, including, but not limited
26 to, blood testing, urinalysis, psychological testing, or

1 neuropsychological testing. The Disciplinary Board, the
2 Licensing Board, or the Department may order the examining
3 physician or any member of the multidisciplinary team to
4 provide to the Department, the Disciplinary Board, or the
5 Licensing Board any and all records, including business
6 records, that relate to the examination and evaluation,
7 including any supplemental testing performed. The Disciplinary
8 Board, the Licensing Board, or the Department may order the
9 examining physician or any member of the multidisciplinary team
10 to present testimony concerning this examination and
11 evaluation of the licensee, permit holder, or applicant,
12 including testimony concerning any supplemental testing or
13 documents relating to the examination and evaluation. No
14 information, report, record, or other documents in any way
15 related to the examination and evaluation shall be excluded by
16 reason of any common law or statutory privilege relating to
17 communication between the licensee, permit holder, or
18 applicant and the examining physician or any member of the
19 multidisciplinary team. No authorization is necessary from the
20 licensee, permit holder, or applicant ordered to undergo an
21 evaluation and examination for the examining physician or any
22 member of the multidisciplinary team to provide information,
23 reports, records, or other documents or to provide any
24 testimony regarding the examination and evaluation. The
25 individual to be examined may have, at his or her own expense,
26 another physician of his or her choice present during all

1 aspects of the examination. Failure of any individual to submit
2 to mental or physical examination and evaluation, or both, when
3 directed, shall result in an automatic suspension, without
4 hearing, until such time as the individual submits to the
5 examination. If the Disciplinary Board or Licensing Board finds
6 a physician unable to practice following an examination and
7 evaluation because of the reasons set forth in this Section,
8 the Disciplinary Board or Licensing Board shall require such
9 physician to submit to care, counseling, or treatment by
10 physicians, or other health care professionals, approved or
11 designated by the Disciplinary Board, as a condition for
12 issued, continued, reinstated, or renewed licensure to
13 practice. Any physician, whose license was granted pursuant to
14 Sections 9, 17, or 19 of this Act, or, continued, reinstated,
15 renewed, disciplined or supervised, subject to such terms,
16 conditions, or restrictions who shall fail to comply with such
17 terms, conditions, or restrictions, or to complete a required
18 program of care, counseling, or treatment, as determined by the
19 Chief Medical Coordinator or Deputy Medical Coordinators,
20 shall be referred to the Secretary for a determination as to
21 whether the licensee shall have his or her ~~their~~ license
22 suspended immediately, pending a hearing by the Disciplinary
23 Board. In instances in which the Secretary immediately suspends
24 a license under this Section, a hearing upon such person's
25 license must be convened by the Disciplinary Board within 15
26 days after such suspension and completed without appreciable

1 delay. The Disciplinary Board shall have the authority to
2 review the subject physician's record of treatment and
3 counseling regarding the impairment, to the extent permitted by
4 applicable federal statutes and regulations safeguarding the
5 confidentiality of medical records.

6 An individual licensed under this Act, affected under this
7 Section, shall be afforded an opportunity to demonstrate to the
8 Disciplinary Board that he or she ~~they~~ can resume practice in
9 compliance with acceptable and prevailing standards under the
10 provisions of his or her ~~their~~ license.

11 The Department may promulgate rules for the imposition of
12 fines in disciplinary cases, not to exceed \$10,000 for each
13 violation of this Act. Fines may be imposed in conjunction with
14 other forms of disciplinary action, but shall not be the
15 exclusive disposition of any disciplinary action arising out of
16 conduct resulting in death or injury to a patient. Any funds
17 collected from such fines shall be deposited in the Illinois
18 State Medical Disciplinary Fund.

19 All fines imposed under this Section shall be paid within
20 60 days after the effective date of the order imposing the fine
21 or in accordance with the terms set forth in the order imposing
22 the fine.

23 (B) The Department shall revoke the license or permit
24 issued under this Act to practice medicine or a chiropractic
25 physician who has been convicted a second time of committing
26 any felony under the Illinois Controlled Substances Act or the

1 Methamphetamine Control and Community Protection Act, or who
2 has been convicted a second time of committing a Class 1 felony
3 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
4 person whose license or permit is revoked under this subsection
5 B shall be prohibited from practicing medicine or treating
6 human ailments without the use of drugs and without operative
7 surgery.

8 (C) The Department shall not revoke, suspend, place on
9 probation, reprimand, refuse to issue or renew, or take any
10 other disciplinary or non-disciplinary action against the
11 license or permit issued under this Act to practice medicine to
12 a physician:

13 (1) based solely upon the recommendation of the
14 physician to an eligible patient regarding, or
15 prescription for, or treatment with, an investigational
16 drug, biological product, or device; or

17 (2) for experimental treatment for Lyme disease or
18 other tick-borne diseases, including, but not limited to,
19 the prescription of or treatment with long-term
20 antibiotics.

21 (D) The Disciplinary Board shall recommend to the
22 Department civil penalties and any other appropriate
23 discipline in disciplinary cases when the Board finds that a
24 physician willfully performed an abortion with actual
25 knowledge that the person upon whom the abortion has been
26 performed is a minor or an incompetent person without notice as

1 required under the Parental Notice of Abortion Act of 1995.
2 Upon the Board's recommendation, the Department shall impose,
3 for the first violation, a civil penalty of \$1,000 and for a
4 second or subsequent violation, a civil penalty of \$5,000.

5 (Source: P.A. 100-429, eff. 8-25-17; 100-513, eff. 1-1-18;
6 100-605, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff.
7 1-1-19; 101-13, eff. 6-12-19; 101-81, eff. 7-12-19; 101-363,
8 eff. 8-9-19; revised 9-20-19.)

9 (225 ILCS 60/36) (from Ch. 111, par. 4400-36)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 36. Investigation; notice.

12 (a) Upon the motion of either the Department or the
13 Disciplinary Board or upon the verified complaint in writing of
14 any person setting forth facts which, if proven, would
15 constitute grounds for suspension or revocation under Section
16 22 of this Act, the Department shall investigate the actions of
17 any person, so accused, who holds or represents that he or she
18 holds a license. Such person is hereinafter called the accused.

19 (b) The Department shall, before suspending, revoking,
20 placing on probationary status, or taking any other
21 disciplinary action as the Department may deem proper with
22 regard to any license at least 30 days prior to the date set
23 for the hearing, notify the accused in writing of any charges
24 made and the time and place for a hearing of the charges before
25 the Disciplinary Board, direct him or her to file his or her

1 written answer thereto to the Disciplinary Board under oath
2 within 20 days after the service on him or her of such notice
3 and inform him or her that if he or she fails to file such
4 answer default will be taken against him or her and his or her
5 license may be suspended, revoked, placed on probationary
6 status, or have other disciplinary action, including limiting
7 the scope, nature or extent of his or her practice, as the
8 Department may deem proper taken with regard thereto. The
9 Department shall, at least 14 days prior to the date set for
10 the hearing, notify in writing any person who filed a complaint
11 against the accused of the time and place for the hearing of
12 the charges against the accused before the Disciplinary Board
13 and inform such person whether he or she may provide testimony
14 at the hearing.

15 (c) (Blank).

16 (d) Such written notice and any notice in such proceedings
17 thereafter may be served by personal delivery, email to the
18 respondent's email address of record, or mail to the
19 respondent's address of record.

20 (e) All information gathered by the Department during its
21 investigation including information subpoenaed under Section
22 23 or 38 of this Act and the investigative file shall be kept
23 for the confidential use of the Secretary, Disciplinary Board,
24 the Medical Coordinators, persons employed by contract to
25 advise the Medical Coordinator or the Department, the
26 Disciplinary Board's attorneys, the medical investigative

1 staff, and authorized clerical staff, as provided in this Act
2 and shall be afforded the same status as is provided
3 information concerning medical studies in Part 21 of Article
4 VIII of the Code of Civil Procedure, except that the Department
5 may disclose information and documents to a federal, State, or
6 local law enforcement agency pursuant to a subpoena in an
7 ongoing criminal investigation to a health care licensing body
8 of this State or another state or jurisdiction pursuant to an
9 official request made by that licensing body. Furthermore,
10 information and documents disclosed to a federal, State, or
11 local law enforcement agency may be used by that agency only
12 for the investigation and prosecution of a criminal offense or,
13 in the case of disclosure to a health care licensing body, only
14 for investigations and disciplinary action proceedings with
15 regard to a license issued by that licensing body.

16 (Source: P.A. 101-13, eff. 6-12-19; 101-316, eff. 8-9-19;
17 revised 9-20-19.)

18 Section 460. The Nurse Practice Act is amended by changing
19 Section 70-5 as follows:

20 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 70-5. Grounds for disciplinary action.

23 (a) The Department may refuse to issue or to renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem appropriate, including fines not to exceed \$10,000 per
3 violation, with regard to a license for any one or combination
4 of the causes set forth in subsection (b) below. All fines
5 collected under this Section shall be deposited in the Nursing
6 Dedicated and Professional Fund.

7 (b) Grounds for disciplinary action include the following:

8 (1) Material deception in furnishing information to
9 the Department.

10 (2) Material violations of any provision of this Act or
11 violation of the rules of or final administrative action of
12 the Secretary, after consideration of the recommendation
13 of the Board.

14 (3) Conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation, under
19 the laws of any jurisdiction of the United States: (i) that
20 is a felony; or (ii) that is a misdemeanor, an essential
21 element of which is dishonesty, or that is directly related
22 to the practice of the profession.

23 (4) A pattern of practice or other behavior which
24 demonstrates incapacity or incompetency to practice under
25 this Act.

26 (5) Knowingly aiding or assisting another person in

1 violating any provision of this Act or rules.

2 (6) Failing, within 90 days, to provide a response to a
3 request for information in response to a written request
4 made by the Department by certified or registered mail or
5 by email to the email address of record.

6 (7) Engaging in dishonorable, unethical or
7 unprofessional conduct of a character likely to deceive,
8 defraud or harm the public, as defined by rule.

9 (8) Unlawful taking, theft, selling, distributing, or
10 manufacturing of any drug, narcotic, or prescription
11 device.

12 (9) Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or drug
14 that could result in a licensee's inability to practice
15 with reasonable judgment, skill or safety.

16 (10) Discipline by another U.S. jurisdiction or
17 foreign nation, if at least one of the grounds for the
18 discipline is the same or substantially equivalent to those
19 set forth in this Section.

20 (11) A finding that the licensee, after having her or
21 his license placed on probationary status or subject to
22 conditions or restrictions, has violated the terms of
23 probation or failed to comply with such terms or
24 conditions.

25 (12) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

1 and under the Abused and Neglected Child Reporting Act, and
2 upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (13) Willful omission to file or record, or willfully
7 impeding the filing or recording or inducing another person
8 to omit to file or record medical reports as required by
9 law.

10 (13.5) Willfully failing to report an instance of
11 suspected child abuse or neglect as required by the Abused
12 and Neglected Child Reporting Act.

13 (14) Gross negligence in the practice of practical,
14 professional, or advanced practice registered nursing.

15 (15) Holding oneself out to be practicing nursing under
16 any name other than one's own.

17 (16) Failure of a licensee to report to the Department
18 any adverse final action taken against him or her by
19 another licensing jurisdiction of the United States or any
20 foreign state or country, any peer review body, any health
21 care institution, any professional or nursing society or
22 association, any governmental agency, any law enforcement
23 agency, or any court or a nursing liability claim related
24 to acts or conduct similar to acts or conduct that would
25 constitute grounds for action as defined in this Section.

26 (17) Failure of a licensee to report to the Department

1 surrender by the licensee of a license or authorization to
2 practice nursing or advanced practice registered nursing
3 in another state or jurisdiction or current surrender by
4 the licensee of membership on any nursing staff or in any
5 nursing or advanced practice registered nursing or
6 professional association or society while under
7 disciplinary investigation by any of those authorities or
8 bodies for acts or conduct similar to acts or conduct that
9 would constitute grounds for action as defined by this
10 Section.

11 (18) Failing, within 60 days, to provide information in
12 response to a written request made by the Department.

13 (19) Failure to establish and maintain records of
14 patient care and treatment as required by law.

15 (20) Fraud, deceit or misrepresentation in applying
16 for or procuring a license under this Act or in connection
17 with applying for renewal of a license under this Act.

18 (21) Allowing another person or organization to use the
19 licensee's ~~licensees'~~ license to deceive the public.

20 (22) Willfully making or filing false records or
21 reports in the licensee's practice, including but not
22 limited to false records to support claims against the
23 medical assistance program of the Department of Healthcare
24 and Family Services (formerly Department of Public Aid)
25 under the Illinois Public Aid Code.

26 (23) Attempting to subvert or cheat on a licensing

1 examination administered under this Act.

2 (24) Immoral conduct in the commission of an act,
3 including, but not limited to, sexual abuse, sexual
4 misconduct, or sexual exploitation, related to the
5 licensee's practice.

6 (25) Willfully or negligently violating the
7 confidentiality between nurse and patient except as
8 required by law.

9 (26) Practicing under a false or assumed name, except
10 as provided by law.

11 (27) The use of any false, fraudulent, or deceptive
12 statement in any document connected with the licensee's
13 practice.

14 (28) Directly or indirectly giving to or receiving from
15 a person, firm, corporation, partnership, or association a
16 fee, commission, rebate, or other form of compensation for
17 professional services not actually or personally rendered.
18 Nothing in this paragraph (28) affects any bona fide
19 independent contractor or employment arrangements among
20 health care professionals, health facilities, health care
21 providers, or other entities, except as otherwise
22 prohibited by law. Any employment arrangements may include
23 provisions for compensation, health insurance, pension, or
24 other employment benefits for the provision of services
25 within the scope of the licensee's practice under this Act.
26 Nothing in this paragraph (28) shall be construed to

1 require an employment arrangement to receive professional
2 fees for services rendered.

3 (29) A violation of the Health Care Worker
4 Self-Referral Act.

5 (30) Physical illness, mental illness, or disability
6 that results in the inability to practice the profession
7 with reasonable judgment, skill, or safety.

8 (31) Exceeding the terms of a collaborative agreement
9 or the prescriptive authority delegated to a licensee by
10 his or her collaborating physician or podiatric physician
11 in guidelines established under a written collaborative
12 agreement.

13 (32) Making a false or misleading statement regarding a
14 licensee's skill or the efficacy or value of the medicine,
15 treatment, or remedy prescribed by him or her in the course
16 of treatment.

17 (33) Prescribing, selling, administering,
18 distributing, giving, or self-administering a drug
19 classified as a controlled substance (designated product)
20 or narcotic for other than medically accepted therapeutic
21 purposes.

22 (34) Promotion of the sale of drugs, devices,
23 appliances, or goods provided for a patient in a manner to
24 exploit the patient for financial gain.

25 (35) Violating State or federal laws, rules, or
26 regulations relating to controlled substances.

1 (36) Willfully or negligently violating the
2 confidentiality between an advanced practice registered
3 nurse, collaborating physician, dentist, or podiatric
4 physician and a patient, except as required by law.

5 (37) Willfully failing to report an instance of
6 suspected abuse, neglect, financial exploitation, or
7 self-neglect of an eligible adult as defined in and
8 required by the Adult Protective Services Act.

9 (38) Being named as an abuser in a verified report by
10 the Department on Aging and under the Adult Protective
11 Services Act, and upon proof by clear and convincing
12 evidence that the licensee abused, neglected, or
13 financially exploited an eligible adult as defined in the
14 Adult Protective Services Act.

15 (39) A violation of any provision of this Act or any
16 rules adopted under this Act.

17 (40) Violating the Compassionate Use of Medical
18 Cannabis Program Act.

19 (c) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code, as amended, operates as an automatic suspension. The
23 suspension will end only upon a finding by a court that the
24 patient is no longer subject to involuntary admission or
25 judicial admission and issues an order so finding and
26 discharging the patient; and upon the recommendation of the

1 Board to the Secretary that the licensee be allowed to resume
2 his or her practice.

3 (d) The Department may refuse to issue or may suspend or
4 otherwise discipline the license of any person who fails to
5 file a return, or to pay the tax, penalty or interest shown in
6 a filed return, or to pay any final assessment of the tax,
7 penalty, or interest as required by any tax Act administered by
8 the Department of Revenue, until such time as the requirements
9 of any such tax Act are satisfied.

10 (e) In enforcing this Act, the Department, upon a showing
11 of a possible violation, may compel an individual licensed to
12 practice under this Act or who has applied for licensure under
13 this Act, to submit to a mental or physical examination, or
14 both, as required by and at the expense of the Department. The
15 Department may order the examining physician to present
16 testimony concerning the mental or physical examination of the
17 licensee or applicant. No information shall be excluded by
18 reason of any common law or statutory privilege relating to
19 communications between the licensee or applicant and the
20 examining physician. The examining physicians shall be
21 specifically designated by the Department. The individual to be
22 examined may have, at his or her own expense, another physician
23 of his or her choice present during all aspects of this
24 examination. Failure of an individual to submit to a mental or
25 physical examination, when directed, shall result in an
26 automatic suspension without hearing.

1 All substance-related violations shall mandate an
2 automatic substance abuse assessment. Failure to submit to an
3 assessment by a licensed physician who is certified as an
4 addictionist or an advanced practice registered nurse with
5 specialty certification in addictions may be grounds for an
6 automatic suspension, as defined by rule.

7 If the Department finds an individual unable to practice or
8 unfit for duty because of the reasons set forth in this
9 subsection (e), the Department may require that individual to
10 submit to a substance abuse evaluation or treatment by
11 individuals or programs approved or designated by the
12 Department, as a condition, term, or restriction for continued,
13 restored, or renewed licensure to practice; or, in lieu of
14 evaluation or treatment, the Department may file, or the Board
15 may recommend to the Department to file, a complaint to
16 immediately suspend, revoke, or otherwise discipline the
17 license of the individual. An individual whose license was
18 granted, continued, restored, renewed, disciplined or
19 supervised subject to such terms, conditions, or restrictions,
20 and who fails to comply with such terms, conditions, or
21 restrictions, shall be referred to the Secretary for a
22 determination as to whether the individual shall have his or
23 her license suspended immediately, pending a hearing by the
24 Department.

25 In instances in which the Secretary immediately suspends a
26 person's license under this subsection (e), a hearing on that

1 person's license must be convened by the Department within 15
2 days after the suspension and completed without appreciable
3 delay. The Department and Board shall have the authority to
4 review the subject individual's record of treatment and
5 counseling regarding the impairment to the extent permitted by
6 applicable federal statutes and regulations safeguarding the
7 confidentiality of medical records.

8 An individual licensed under this Act and affected under
9 this subsection (e) shall be afforded an opportunity to
10 demonstrate to the Department that he or she can resume
11 practice in compliance with nursing standards under the
12 provisions of his or her license.

13 (Source: P.A. 100-513, eff. 1-1-18; 101-363, eff. 8-9-19;
14 revised 12-5-19.)

15 Section 465. The Physician Assistant Practice Act of 1987
16 is amended by changing Section 21 as follows:

17 (225 ILCS 95/21) (from Ch. 111, par. 4621)

18 (Section scheduled to be repealed on January 1, 2028)

19 Sec. 21. Grounds for disciplinary action.

20 (a) The Department may refuse to issue or to renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action with regard to any
23 license issued under this Act as the Department may deem
24 proper, including the issuance of fines not to exceed \$10,000

1 for each violation, for any one or combination of the following
2 causes:

3 (1) Material misstatement in furnishing information to
4 the Department.

5 (2) Violations of this Act, or the rules adopted under
6 this Act.

7 (3) Conviction by plea of guilty or nolo contendere,
8 finding of guilt, jury verdict, or entry of judgment or
9 sentencing, including, but not limited to, convictions,
10 preceding sentences of supervision, conditional discharge,
11 or first offender probation, under the laws of any
12 jurisdiction of the United States that is: (i) a felony; or
13 (ii) a misdemeanor, an essential element of which is
14 dishonesty, or that is directly related to the practice of
15 the profession.

16 (4) Making any misrepresentation for the purpose of
17 obtaining licenses.

18 (5) Professional incompetence.

19 (6) Aiding or assisting another person in violating any
20 provision of this Act or its rules.

21 (7) Failing, within 60 days, to provide information in
22 response to a written request made by the Department.

23 (8) Engaging in dishonorable, unethical, or
24 unprofessional conduct, as defined by rule, of a character
25 likely to deceive, defraud, or harm the public.

26 (9) Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 that results in a physician assistant's inability to
3 practice with reasonable judgment, skill, or safety.

4 (10) Discipline by another U.S. jurisdiction or
5 foreign nation, if at least one of the grounds for
6 discipline is the same or substantially equivalent to those
7 set forth in this Section.

8 (11) Directly or indirectly giving to or receiving from
9 any person, firm, corporation, partnership, or association
10 any fee, commission, rebate or other form of compensation
11 for any professional services not actually or personally
12 rendered. Nothing in this paragraph (11) affects any bona
13 fide independent contractor or employment arrangements,
14 which may include provisions for compensation, health
15 insurance, pension, or other employment benefits, with
16 persons or entities authorized under this Act for the
17 provision of services within the scope of the licensee's
18 practice under this Act.

19 (12) A finding by the Disciplinary Board that the
20 licensee, after having his or her license placed on
21 probationary status has violated the terms of probation.

22 (13) Abandonment of a patient.

23 (14) Willfully making or filing false records or
24 reports in his or her practice, including but not limited
25 to false records filed with state agencies or departments.

26 (15) Willfully failing to report an instance of

1 suspected child abuse or neglect as required by the Abused
2 and Neglected Child Reporting Act.

3 (16) Physical illness, or mental illness or impairment
4 that results in the inability to practice the profession
5 with reasonable judgment, skill, or safety, including, but
6 not limited to, deterioration through the aging process or
7 loss of motor skill.

8 (17) Being named as a perpetrator in an indicated
9 report by the Department of Children and Family Services
10 under the Abused and Neglected Child Reporting Act, and
11 upon proof by clear and convincing evidence that the
12 licensee has caused a child to be an abused child or
13 neglected child as defined in the Abused and Neglected
14 Child Reporting Act.

15 (18) (Blank).

16 (19) Gross negligence resulting in permanent injury or
17 death of a patient.

18 (20) Employment of fraud, deception or any unlawful
19 means in applying for or securing a license as a physician
20 assistant.

21 (21) Exceeding the authority delegated to him or her by
22 his or her collaborating physician in a written
23 collaborative agreement.

24 (22) Immoral conduct in the commission of any act, such
25 as sexual abuse, sexual misconduct, or sexual exploitation
26 related to the licensee's practice.

1 (23) Violation of the Health Care Worker Self-Referral
2 Act.

3 (24) Practicing under a false or assumed name, except
4 as provided by law.

5 (25) Making a false or misleading statement regarding
6 his or her skill or the efficacy or value of the medicine,
7 treatment, or remedy prescribed by him or her in the course
8 of treatment.

9 (26) Allowing another person to use his or her license
10 to practice.

11 (27) Prescribing, selling, administering,
12 distributing, giving, or self-administering a drug
13 classified as a controlled substance for other than
14 medically accepted ~~medically-accepted~~ therapeutic
15 purposes.

16 (28) Promotion of the sale of drugs, devices,
17 appliances, or goods provided for a patient in a manner to
18 exploit the patient for financial gain.

19 (29) A pattern of practice or other behavior that
20 demonstrates incapacity or incompetence to practice under
21 this Act.

22 (30) Violating State or federal laws or regulations
23 relating to controlled substances or other legend drugs or
24 ephedra as defined in the Ephedra Prohibition Act.

25 (31) Exceeding the prescriptive authority delegated by
26 the collaborating physician or violating the written

1 collaborative agreement delegating that authority.

2 (32) Practicing without providing to the Department a
3 notice of collaboration or delegation of prescriptive
4 authority.

5 (33) Failure to establish and maintain records of
6 patient care and treatment as required by law.

7 (34) Attempting to subvert or cheat on the examination
8 of the National Commission on Certification of Physician
9 Assistants or its successor agency.

10 (35) Willfully or negligently violating the
11 confidentiality between physician assistant and patient,
12 except as required by law.

13 (36) Willfully failing to report an instance of
14 suspected abuse, neglect, financial exploitation, or
15 self-neglect of an eligible adult as defined in and
16 required by the Adult Protective Services Act.

17 (37) Being named as an abuser in a verified report by
18 the Department on Aging under the Adult Protective Services
19 Act and upon proof by clear and convincing evidence that
20 the licensee abused, neglected, or financially exploited
21 an eligible adult as defined in the Adult Protective
22 Services Act.

23 (38) Failure to report to the Department an adverse
24 final action taken against him or her by another licensing
25 jurisdiction of the United States or a foreign state or
26 country, a peer review body, a health care institution, a

1 professional society or association, a governmental
2 agency, a law enforcement agency, or a court acts or
3 conduct similar to acts or conduct that would constitute
4 grounds for action under this Section.

5 (39) Failure to provide copies of records of patient
6 care or treatment, except as required by law.

7 (40) Entering into an excessive number of written
8 collaborative agreements with licensed physicians
9 resulting in an inability to adequately collaborate.

10 (41) Repeated failure to adequately collaborate with a
11 collaborating physician.

12 (42) Violating the Compassionate Use of Medical
13 Cannabis Program Act.

14 (b) The Department may, without a hearing, refuse to issue
15 or renew or may suspend the license of any person who fails to
16 file a return, or to pay the tax, penalty or interest shown in
17 a filed return, or to pay any final assessment of the tax,
18 penalty, or interest as required by any tax Act administered by
19 the Illinois Department of Revenue, until such time as the
20 requirements of any such tax Act are satisfied.

21 (c) The determination by a circuit court that a licensee is
22 subject to involuntary admission or judicial admission as
23 provided in the Mental Health and Developmental Disabilities
24 Code operates as an automatic suspension. The suspension will
25 end only upon a finding by a court that the patient is no
26 longer subject to involuntary admission or judicial admission

1 and issues an order so finding and discharging the patient, and
2 upon the recommendation of the Disciplinary Board to the
3 Secretary that the licensee be allowed to resume his or her
4 practice.

5 (d) In enforcing this Section, the Department upon a
6 showing of a possible violation may compel an individual
7 licensed to practice under this Act, or who has applied for
8 licensure under this Act, to submit to a mental or physical
9 examination, or both, which may include a substance abuse or
10 sexual offender evaluation, as required by and at the expense
11 of the Department.

12 The Department shall specifically designate the examining
13 physician licensed to practice medicine in all of its branches
14 or, if applicable, the multidisciplinary team involved in
15 providing the mental or physical examination or both. The
16 multidisciplinary team shall be led by a physician licensed to
17 practice medicine in all of its branches and may consist of one
18 or more or a combination of physicians licensed to practice
19 medicine in all of its branches, licensed clinical
20 psychologists, licensed clinical social workers, licensed
21 clinical professional counselors, and other professional and
22 administrative staff. Any examining physician or member of the
23 multidisciplinary team may require any person ordered to submit
24 to an examination pursuant to this Section to submit to any
25 additional supplemental testing deemed necessary to complete
26 any examination or evaluation process, including, but not

1 limited to, blood testing, urinalysis, psychological testing,
2 or neuropsychological testing.

3 The Department may order the examining physician or any
4 member of the multidisciplinary team to provide to the
5 Department any and all records, including business records,
6 that relate to the examination and evaluation, including any
7 supplemental testing performed.

8 The Department may order the examining physician or any
9 member of the multidisciplinary team to present testimony
10 concerning the mental or physical examination of the licensee
11 or applicant. No information, report, record, or other
12 documents in any way related to the examination shall be
13 excluded by reason of any common law or statutory privilege
14 relating to communications between the licensee or applicant
15 and the examining physician or any member of the
16 multidisciplinary team. No authorization is necessary from the
17 licensee or applicant ordered to undergo an examination for the
18 examining physician or any member of the multidisciplinary team
19 to provide information, reports, records, or other documents or
20 to provide any testimony regarding the examination and
21 evaluation.

22 The individual to be examined may have, at his or her own
23 expense, another physician of his or her choice present during
24 all aspects of this examination. However, that physician shall
25 be present only to observe and may not interfere in any way
26 with the examination.

1 Failure of an individual to submit to a mental or physical
2 examination, when ordered, shall result in an automatic
3 suspension of his or her license until the individual submits
4 to the examination.

5 If the Department finds an individual unable to practice
6 because of the reasons set forth in this Section, the
7 Department may require that individual to submit to care,
8 counseling, or treatment by physicians approved or designated
9 by the Department, as a condition, term, or restriction for
10 continued, reinstated, or renewed licensure to practice; or, in
11 lieu of care, counseling, or treatment, the Department may file
12 a complaint to immediately suspend, revoke, or otherwise
13 discipline the license of the individual. An individual whose
14 license was granted, continued, reinstated, renewed,
15 disciplined, or supervised subject to such terms, conditions,
16 or restrictions, and who fails to comply with such terms,
17 conditions, or restrictions, shall be referred to the Secretary
18 for a determination as to whether the individual shall have his
19 or her license suspended immediately, pending a hearing by the
20 Department.

21 In instances in which the Secretary immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 30 days after
24 the suspension and completed without appreciable delay. The
25 Department shall have the authority to review the subject
26 individual's record of treatment and counseling regarding the

1 impairment to the extent permitted by applicable federal
2 statutes and regulations safeguarding the confidentiality of
3 medical records.

4 An individual licensed under this Act and affected under
5 this Section shall be afforded an opportunity to demonstrate to
6 the Department that he or she can resume practice in compliance
7 with acceptable and prevailing standards under the provisions
8 of his or her license.

9 (e) An individual or organization acting in good faith, and
10 not in a willful and wanton manner, in complying with this
11 Section by providing a report or other information to the
12 Board, by assisting in the investigation or preparation of a
13 report or information, by participating in proceedings of the
14 Board, or by serving as a member of the Board, shall not be
15 subject to criminal prosecution or civil damages as a result of
16 such actions.

17 (f) Members of the Board and the Disciplinary Board shall
18 be indemnified by the State for any actions occurring within
19 the scope of services on the Disciplinary Board or Board, done
20 in good faith and not willful and wanton in nature. The
21 Attorney General shall defend all such actions unless he or she
22 determines either that there would be a conflict of interest in
23 such representation or that the actions complained of were not
24 in good faith or were willful and wanton.

25 If the Attorney General declines representation, the
26 member has the right to employ counsel of his or her choice,

1 whose fees shall be provided by the State, after approval by
2 the Attorney General, unless there is a determination by a
3 court that the member's actions were not in good faith or were
4 willful and wanton.

5 The member must notify the Attorney General within 7 days
6 after receipt of notice of the initiation of any action
7 involving services of the Disciplinary Board. Failure to so
8 notify the Attorney General constitutes an absolute waiver of
9 the right to a defense and indemnification.

10 The Attorney General shall determine, within 7 days after
11 receiving such notice, whether he or she will undertake to
12 represent the member.

13 (Source: P.A. 100-453, eff. 8-25-17; 100-605, eff. 1-1-19;
14 101-363, eff. 8-9-19; revised 12-5-19.)

15 Section 470. The Perfusionist Practice Act is amended by
16 changing Sections 105 and 210 as follows:

17 (225 ILCS 125/105)

18 (Section scheduled to be repealed on January 1, 2030)

19 Sec. 105. Grounds for disciplinary action.

20 (a) The Department may refuse to issue, renew, or restore a
21 license, or may revoke, suspend, place on probation, reprimand,
22 or take any other disciplinary or non-disciplinary action as
23 the Department may deem proper, including fines not to exceed
24 \$10,000 per violation with regard to any license issued under

1 this Act, for any one or a combination of the following
2 reasons:

3 (1) Making a material misstatement in furnishing
4 information to the Department.

5 (2) Negligence, incompetence, or misconduct in the
6 practice of perfusion.

7 (3) Failure to comply with any provisions of this Act
8 or any of its rules.

9 (4) Fraud or any misrepresentation in applying for or
10 procuring a license under this Act or in connection with
11 applying for renewal or restoration of a license under this
12 Act.

13 (5) Purposefully making false statements or signing
14 false statements, certificates, or affidavits to induce
15 payment.

16 (6) Conviction of or entry of a plea of guilty or nolo
17 contendere, finding of guilt, jury verdict, or entry of
18 judgment or sentencing, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation under
21 the laws of any jurisdiction of the United States that is
22 (i) a felony or (ii) a misdemeanor, an essential element of
23 which is dishonesty, that is directly related to the
24 practice of the profession of perfusion.

25 (7) Aiding or assisting another in violating any
26 provision of this Act or its rules.

1 (8) Failing to provide information in response to a
2 written request made by the Department within 60 days after
3 receipt of such written request.

4 (9) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public as defined by rule.

7 (10) Habitual or excessive use or abuse of drugs
8 defined in law as controlled substances, of alcohol,
9 narcotics, stimulants, or any other substances that
10 results in the inability to practice with reasonable
11 judgment, skill, or safety.

12 (11) A finding by the Department that an applicant or
13 licensee has failed to pay a fine imposed by the
14 Department.

15 (12) A finding by the Department that the licensee,
16 after having his or her license placed on probationary
17 status, has violated the terms of probation, or failed to
18 comply with such terms.

19 (13) Inability to practice the profession with
20 reasonable judgment, skill, or safety as a result of
21 physical illness, including, but not limited to,
22 deterioration through the aging process, loss of motor
23 skill, mental illness, or disability.

24 (14) Discipline by another state, territory, foreign
25 country, the District of Columbia, the United States
26 government, or any other government agency if at least one

1 of the grounds for discipline is the same or substantially
2 equivalent to those set forth in this Act.

3 (15) The making of any willfully false oath or
4 affirmation in any matter or proceeding where an oath or
5 affirmation is required by this Act.

6 (16) Using or attempting to use an expired, inactive,
7 suspended, or revoked license, or the certificate or seal
8 of another, or impersonating another licensee.

9 (17) Directly or indirectly giving to or receiving from
10 any person or entity any fee, commission, rebate, or other
11 form of compensation for any professional service not
12 actually or personally rendered.

13 (18) Willfully making or filing false records or
14 reports related to the licensee's practice, including, but
15 not limited to, false records filed with federal or State
16 agencies or departments.

17 (19) Willfully failing to report an instance of
18 suspected child abuse or neglect as required under the
19 Abused and Neglected Child Reporting Act.

20 (20) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and upon
23 proof, by clear and convincing evidence, that the licensee
24 has caused a child to be an abused child or neglected child
25 as defined in the Abused and Neglected Child Reporting Act.

26 (21) Immoral conduct in the commission of an act

1 related to the licensee's practice, including but not
2 limited to sexual abuse, sexual misconduct, or sexual
3 exploitation.

4 (22) Violation of the Health Care Worker Self-Referral
5 Act.

6 (23) Solicitation of business or professional
7 services, other than permitted advertising.

8 (24) Conviction of or cash compromise of a charge or
9 violation of the Illinois Controlled Substances Act.

10 (25) Gross, willful, or continued overcharging for
11 professional services, including filing false statements
12 for collection of fees for which services are not rendered.

13 (26) Practicing under a false name or, except as
14 allowed by law, an assumed name.

15 (b) In enforcing this Section, the Department or Board,
16 upon a showing of a possible violation, may order a licensee or
17 applicant to submit to a mental or physical examination, or
18 both, at the expense of the Department. The Department or Board
19 may order the examining physician to present testimony
20 concerning his or her examination of the licensee or applicant.
21 No information shall be excluded by reason of any common law or
22 statutory privilege relating to communications between the
23 licensee or applicant and the examining physician. The
24 examining physicians shall be specifically designated by the
25 Board or Department. The licensee or applicant may have, at his
26 or her own expense, another physician of his or her choice

1 present during all aspects of the examination. Failure of a
2 licensee or applicant to submit to any such examination when
3 directed, without reasonable cause as defined by rule, shall be
4 grounds for either the immediate suspension of his or her
5 license or immediate denial of his or her application.

6 (1) If the Secretary immediately suspends the license
7 of a licensee for his or her failure to submit to a mental
8 or physical examination when directed, a hearing must be
9 convened by the Department within 15 days after the
10 suspension and completed without appreciable delay.

11 (2) If the Secretary otherwise suspends a license
12 pursuant to the results of the licensee's mental or
13 physical examination, a hearing must be convened by the
14 Department within 15 days after the suspension and
15 completed without appreciable delay. The Department and
16 Board shall have the authority to review the licensee's
17 record of treatment and counseling regarding the relevant
18 impairment or impairments to the extent permitted by
19 applicable federal statutes and regulations safeguarding
20 the confidentiality of medical records.

21 (3) Any licensee suspended or otherwise affected under
22 this subsection (b) shall be afforded an opportunity to
23 demonstrate to the Department or Board that he or she can
24 resume practice in compliance with the acceptable and
25 prevailing standards under the provisions of his or her
26 license.

1 (c) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission as
3 provided in the Mental Health and Developmental Disabilities
4 Code operates as an automatic suspension. The suspension will
5 end only upon a finding by a court that the licensee is no
6 longer subject to ~~the~~ involuntary admission or judicial
7 admission and issues an order so finding and discharging the
8 licensee; and upon the recommendation of the Board to the
9 Secretary that the licensee be allowed to resume his or her
10 practice.

11 (d) In cases where the Department of Healthcare and Family
12 Services (formerly the Department of Public Aid) has previously
13 determined that a licensee or a potential licensee is more than
14 30 days delinquent in the payment of child support and has
15 subsequently certified the delinquency to the Department, the
16 Department shall refuse to issue or renew or shall revoke or
17 suspend that person's license or shall take other disciplinary
18 action against that person based solely upon the certification
19 of delinquency made by the Department of Healthcare and Family
20 Services in accordance with subdivision (a)(5) of Section
21 2105-15 of the Department of Professional Regulation Law of the
22 Civil Administrative Code of Illinois.

23 (e) The Department shall deny a license or renewal
24 authorized by this Act to a person who has failed to file a
25 return, to pay the tax, penalty, or interest shown in a filed
26 return, or to pay any final assessment of tax, penalty, or

1 interest as required by any tax Act administered by the
2 Department of Revenue, until the requirements of the tax Act
3 are satisfied in accordance with subsection (g) of Section
4 2105-15 of the Department of Professional Regulation Law of the
5 Civil Administrative Code of Illinois.

6 (Source: P.A. 101-311, eff. 8-9-19; revised 12-5-19.)

7 (225 ILCS 125/210)

8 (Section scheduled to be repealed on January 1, 2030)

9 Sec. 210. Administrative review.

10 (a) All final administrative decisions of the Department
11 are subject to judicial review under the Administrative Review
12 Law and its rules. The term "administrative decision" is
13 defined as in Section 3-101 of the Code of Civil Procedure.

14 (b) Proceedings for judicial review shall be commenced in
15 the circuit court of the county in which the party seeking
16 review resides. If the party seeking review is not a resident
17 of this State, venue shall be in Sangamon County.

18 (c) The Department shall not be required to certify any
19 record to the court or file any answer in court, or to
20 otherwise appear in any court in a judicial review proceeding,
21 unless and until the Department has received from the plaintiff
22 payment of the costs of furnishing and certifying the record,
23 which costs shall be determined by the Department.

24 (d) Failure on the part of the plaintiff to file a receipt
25 in court shall be grounds for dismissal of the action.

1 (e) During the pendency and hearing of any and all judicial
2 proceedings incident to a disciplinary action, the sanctions
3 imposed upon the applicant or licensee by the Department shall
4 remain in full force and effect.

5 (Source: P.A. 101-311, eff. 8-9-19; revised 12-5-19.)

6 Section 475. The Solid Waste Site Operator Certification
7 Law is amended by changing Section 1001 as follows:

8 (225 ILCS 230/1001) (from Ch. 111, par. 7851)

9 Sec. 1001. Short title. This Article ~~Act~~ may be cited as
10 the Solid Waste Site Operator Certification Law. References in
11 this Article to this Act shall mean this Article.

12 (Source: P.A. 86-1363; revised 8-23-19.)

13 Section 480. The Interpreter for the Deaf Licensure Act of
14 2007 is amended by changing Section 165 as follows:

15 (225 ILCS 443/165)

16 (Section scheduled to be repealed on January 1, 2028)

17 Sec. 165. Secretary ~~Director~~; rehearing. Whenever the
18 Secretary believes justice has not been done in the revocation
19 of, suspension of, or refusal to issue or renew a license or
20 the discipline of a licensee, he or she may order a rehearing.

21 (Source: P.A. 95-617, eff. 9-12-07; revised 8-23-19.)

1 Section 485. The Animal Welfare Act is amended by changing
2 Sections 18.2 and 21 as follows:

3 (225 ILCS 605/18.2)

4 Sec. 18.2. Fire alarm system.

5 (a) In this Section:

6 "Fire alarm system" means a system that automatically
7 triggers notification to local emergency responders when
8 activated.

9 "Staffing plan" means a plan to staff a kennel operator
10 anytime dogs or cats are on the premises. At a minimum, a
11 staffing plan must include the kennel operator's hours of
12 operation, number of staff, names of staff, and the staff's
13 contact information. The Department may adopt rules adding
14 requirements to a staffing plan.

15 "Qualified fire inspector" means a local fire official or a
16 building inspector working for a unit of local government or
17 fire protection district who is qualified to inspect buildings
18 for fire safety or building code compliance.

19 (b) A kennel operator that maintains dogs or cats for
20 boarding and that is not staffed at all times dogs or cats are
21 on the premises shall be equipped with at least one fire alarm
22 system or fire sprinkler system in operating condition in every
23 building of the kennel operator that is used for the housing of
24 animals. The kennel operator shall certify in its license
25 application and annually certify in its license renewal that

1 either: (1) its facility has a fire alarm system or a fire
 2 sprinkler system, and shall include with the application or
 3 license renewal an attached description and picture of the make
 4 and model of the system used; or (2) the kennel is staffed at
 5 all times dogs or cats are on the premises, and shall include
 6 with the application or license renewal an attached staffing
 7 plan. The Department shall include this certification on each
 8 application for license or license renewal.

9 (c) A qualified fire inspector may inspect a kennel
 10 operator that maintains dogs and cats for boarding during the
 11 course of performing routine inspections. If, during a routine
 12 inspection, a qualified fire inspector determines that the
 13 kennel operator does not have a fire alarm system or fire
 14 sprinkler system, the inspector may inform the Department.

15 (d) For the purposes of this Section, veterinary hospitals,
 16 practices, or offices are not kennel operators.

17 (Source: P.A. 101-210, eff. 1-1-20; revised 9-19-19.)

18 (225 ILCS 605/21) (from Ch. 8, par. 321)

19 Sec. 21. The following fees shall accompany each
 20 application for a license, which fees shall not be returnable:

- 21 a. for an original license to an individual \$350
- 22 b. for an original license to a partnership,
 23 animal shelter, or animal control
 24 facility or corporation \$350
- 25 c. for an annual renewal license \$100

- 1 d. for each branch office license \$100
- 2 e. for the renewal of any license not renewed by
- 3 July 1 of the year \$400
- 4 ~~f. (blank)~~
- 5 ~~g. (blank)~~

6 (Source: P.A. 101-295, eff. 8-9-19; revised 12-9-19.)

7 Section 490. The Fluorspar Mines Act is amended by changing
8 Section 3 as follows:

9 (225 ILCS 710/3) (from Ch. 96 1/2, par. 4204)

10 Sec. 3. Office of Inspector of Mines. The Office of
 11 Inspector of Mines as created by this Act shall be under the
 12 jurisdiction of the Department of Natural Resources to the same
 13 purport and effect as all other mining operations provided for
 14 by law, unless otherwise provided. The Inspector of Mines
 15 appointed hereunder shall keep an office within and as a part
 16 of the office of the Director of the Office of Mines and
 17 Minerals, and whose necessary employees shall be employed and
 18 paid in the same manner as is provided for the employment and
 19 pay of the necessary employees of the State departments under
 20 the Civil Administrative Code of Illinois, and as is provided
 21 in Section 5-645 of the Departments of State Government Law of
 22 the Civil Administrative Code of Illinois ~~(20 ILCS 5/5-645.~~

23 (Source: P.A. 91-239, eff. 1-1-00; revised 8-23-19.)

1 Section 495. The Illinois Horse Racing Act of 1975 is
2 amended by changing Sections 26, 27, and 31 as follows:

3 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

4 Sec. 26. Wagering.

5 (a) Any licensee may conduct and supervise the pari-mutuel
6 system of wagering, as defined in Section 3.12 of this Act, on
7 horse races conducted by an Illinois organization licensee or
8 conducted at a racetrack located in another state or country in
9 accordance with subsection (g) of Section 26 of this Act.
10 Subject to the prior consent of the Board, licensees may
11 supplement any pari-mutuel pool in order to guarantee a minimum
12 distribution. Such pari-mutuel method of wagering shall not,
13 under any circumstances if conducted under the provisions of
14 this Act, be held or construed to be unlawful, other statutes
15 of this State to the contrary notwithstanding. Subject to rules
16 for advance wagering promulgated by the Board, any licensee may
17 accept wagers in advance of the day of the race wagered upon
18 occurs.

19 (b) Except for those gaming activities for which a license
20 is obtained and authorized under the Illinois Lottery Law, the
21 Charitable Games Act, the Raffles and Poker Runs Act, or the
22 Illinois Gambling Act, no other method of betting, pool making,
23 wagering or gambling shall be used or permitted by the
24 licensee. Each licensee may retain, subject to the payment of
25 all applicable taxes and purses, an amount not to exceed 17% of

1 all money wagered under subsection (a) of this Section, except
2 as may otherwise be permitted under this Act.

3 (b-5) An individual may place a wager under the pari-mutuel
4 system from any licensed location authorized under this Act
5 provided that wager is electronically recorded in the manner
6 described in Section 3.12 of this Act. Any wager made
7 electronically by an individual while physically on the
8 premises of a licensee shall be deemed to have been made at the
9 premises of that licensee.

10 (c) (Blank).

11 (c-5) The sum held by any licensee for payment of
12 outstanding pari-mutuel tickets, if unclaimed prior to
13 December 31 of the next year, shall be retained by the licensee
14 for payment of such tickets until that date. Within 10 days
15 thereafter, the balance of such sum remaining unclaimed, less
16 any uncashed supplements contributed by such licensee for the
17 purpose of guaranteeing minimum distributions of any
18 pari-mutuel pool, shall be evenly distributed to the purse
19 account of the organization licensee and the organization
20 licensee, except that the balance of the sum of all outstanding
21 pari-mutuel tickets generated from simulcast wagering and
22 inter-track wagering by an organization licensee located in a
23 county with a population in excess of 230,000 and borders the
24 Mississippi River or any licensee that derives its license from
25 that organization licensee shall be evenly distributed to the
26 purse account of the organization licensee and the organization

1 licensee.

2 (d) A pari-mutuel ticket shall be honored until December 31
3 of the next calendar year, and the licensee shall pay the same
4 and may charge the amount thereof against unpaid money
5 similarly accumulated on account of pari-mutuel tickets not
6 presented for payment.

7 (e) No licensee shall knowingly permit any minor, other
8 than an employee of such licensee or an owner, trainer, jockey,
9 driver, or employee thereof, to be admitted during a racing
10 program unless accompanied by a parent or guardian, or any
11 minor to be a patron of the pari-mutuel system of wagering
12 conducted or supervised by it. The admission of any
13 unaccompanied minor, other than an employee of the licensee or
14 an owner, trainer, jockey, driver, or employee thereof at a
15 race track is a Class C misdemeanor.

16 (f) Notwithstanding the other provisions of this Act, an
17 organization licensee may contract with an entity in another
18 state or country to permit any legal wagering entity in another
19 state or country to accept wagers solely within such other
20 state or country on races conducted by the organization
21 licensee in this State. Beginning January 1, 2000, these wagers
22 shall not be subject to State taxation. Until January 1, 2000,
23 when the out-of-State entity conducts a pari-mutuel pool
24 separate from the organization licensee, a privilege tax equal
25 to 7 1/2% of all monies received by the organization licensee
26 from entities in other states or countries pursuant to such

1 contracts is imposed on the organization licensee, and such
2 privilege tax shall be remitted to the Department of Revenue
3 within 48 hours of receipt of the moneys from the simulcast.
4 When the out-of-State entity conducts a combined pari-mutuel
5 pool with the organization licensee, the tax shall be 10% of
6 all monies received by the organization licensee with 25% of
7 the receipts from this 10% tax to be distributed to the county
8 in which the race was conducted.

9 An organization licensee may permit one or more of its
10 races to be utilized for pari-mutuel wagering at one or more
11 locations in other states and may transmit audio and visual
12 signals of races the organization licensee conducts to one or
13 more locations outside the State or country and may also permit
14 pari-mutuel pools in other states or countries to be combined
15 with its gross or net wagering pools or with wagering pools
16 established by other states.

17 (g) A host track may accept interstate simulcast wagers on
18 horse races conducted in other states or countries and shall
19 control the number of signals and types of breeds of racing in
20 its simulcast program, subject to the disapproval of the Board.
21 The Board may prohibit a simulcast program only if it finds
22 that the simulcast program is clearly adverse to the integrity
23 of racing. The host track simulcast program shall include the
24 signal of live racing of all organization licensees. All
25 non-host licensees and advance deposit wagering licensees
26 shall carry the signal of and accept wagers on live racing of

1 all organization licensees. Advance deposit wagering licensees
2 shall not be permitted to accept out-of-state wagers on any
3 Illinois signal provided pursuant to this Section without the
4 approval and consent of the organization licensee providing the
5 signal. For one year after August 15, 2014 (the effective date
6 of Public Act 98-968), non-host licensees may carry the host
7 track simulcast program and shall accept wagers on all races
8 included as part of the simulcast program of horse races
9 conducted at race tracks located within North America upon
10 which wagering is permitted. For a period of one year after
11 August 15, 2014 (the effective date of Public Act 98-968), on
12 horse races conducted at race tracks located outside of North
13 America, non-host licensees may accept wagers on all races
14 included as part of the simulcast program upon which wagering
15 is permitted. Beginning August 15, 2015 (one year after the
16 effective date of Public Act 98-968), non-host licensees may
17 carry the host track simulcast program and shall accept wagers
18 on all races included as part of the simulcast program upon
19 which wagering is permitted. All organization licensees shall
20 provide their live signal to all advance deposit wagering
21 licensees for a simulcast commission fee not to exceed 6% of
22 the advance deposit wagering licensee's Illinois handle on the
23 organization licensee's signal without prior approval by the
24 Board. The Board may adopt rules under which it may permit
25 simulcast commission fees in excess of 6%. The Board shall
26 adopt rules limiting the interstate commission fees charged to

1 an advance deposit wagering licensee. The Board shall adopt
2 rules regarding advance deposit wagering on interstate
3 simulcast races that shall reflect, among other things, the
4 General Assembly's desire to maximize revenues to the State,
5 horsemen purses, and organization licensees. However,
6 organization licensees providing live signals pursuant to the
7 requirements of this subsection (g) may petition the Board to
8 withhold their live signals from an advance deposit wagering
9 licensee if the organization licensee discovers and the Board
10 finds reputable or credible information that the advance
11 deposit wagering licensee is under investigation by another
12 state or federal governmental agency, the advance deposit
13 wagering licensee's license has been suspended in another
14 state, or the advance deposit wagering licensee's license is in
15 revocation proceedings in another state. The organization
16 licensee's provision of their live signal to an advance deposit
17 wagering licensee under this subsection (g) pertains to wagers
18 placed from within Illinois. Advance deposit wagering
19 licensees may place advance deposit wagering terminals at
20 wagering facilities as a convenience to customers. The advance
21 deposit wagering licensee shall not charge or collect any fee
22 from purses for the placement of the advance deposit wagering
23 terminals. The costs and expenses of the host track and
24 non-host licensees associated with interstate simulcast
25 wagering, other than the interstate commission fee, shall be
26 borne by the host track and all non-host licensees incurring

1 these costs. The interstate commission fee shall not exceed 5%
2 of Illinois handle on the interstate simulcast race or races
3 without prior approval of the Board. The Board shall promulgate
4 rules under which it may permit interstate commission fees in
5 excess of 5%. The interstate commission fee and other fees
6 charged by the sending racetrack, including, but not limited
7 to, satellite decoder fees, shall be uniformly applied to the
8 host track and all non-host licensees.

9 Notwithstanding any other provision of this Act, an
10 organization licensee, with the consent of the horsemen
11 association representing the largest number of owners,
12 trainers, jockeys, or standardbred drivers who race horses at
13 that organization licensee's racing meeting, may maintain a
14 system whereby advance deposit wagering may take place or an
15 organization licensee, with the consent of the horsemen
16 association representing the largest number of owners,
17 trainers, jockeys, or standardbred drivers who race horses at
18 that organization licensee's racing meeting, may contract with
19 another person to carry out a system of advance deposit
20 wagering. Such consent may not be unreasonably withheld. Only
21 with respect to an appeal to the Board that consent for an
22 organization licensee that maintains its own advance deposit
23 wagering system is being unreasonably withheld, the Board shall
24 issue a final order within 30 days after initiation of the
25 appeal, and the organization licensee's advance deposit
26 wagering system may remain operational during that 30-day

1 period. The actions of any organization licensee who conducts
2 advance deposit wagering or any person who has a contract with
3 an organization licensee to conduct advance deposit wagering
4 who conducts advance deposit wagering on or after January 1,
5 2013 and prior to June 7, 2013 (the effective date of Public
6 Act 98-18) taken in reliance on the changes made to this
7 subsection (g) by Public Act 98-18 are hereby validated,
8 provided payment of all applicable pari-mutuel taxes are
9 remitted to the Board. All advance deposit wagers placed from
10 within Illinois must be placed through a Board-approved advance
11 deposit wagering licensee; no other entity may accept an
12 advance deposit wager from a person within Illinois. All
13 advance deposit wagering is subject to any rules adopted by the
14 Board. The Board may adopt rules necessary to regulate advance
15 deposit wagering through the use of emergency rulemaking in
16 accordance with Section 5-45 of the Illinois Administrative
17 Procedure Act. The General Assembly finds that the adoption of
18 rules to regulate advance deposit wagering is deemed an
19 emergency and necessary for the public interest, safety, and
20 welfare. An advance deposit wagering licensee may retain all
21 moneys as agreed to by contract with an organization licensee.
22 Any moneys retained by the organization licensee from advance
23 deposit wagering, not including moneys retained by the advance
24 deposit wagering licensee, shall be paid 50% to the
25 organization licensee's purse account and 50% to the
26 organization licensee. With the exception of any organization

1 licensee that is owned by a publicly traded company that is
2 incorporated in a state other than Illinois and advance deposit
3 wagering licensees under contract with such organization
4 licensees, organization licensees that maintain advance
5 deposit wagering systems and advance deposit wagering
6 licensees that contract with organization licensees shall
7 provide sufficiently detailed monthly accountings to the
8 horsemen association representing the largest number of
9 owners, trainers, jockeys, or standardbred drivers who race
10 horses at that organization licensee's racing meeting so that
11 the horsemen association, as an interested party, can confirm
12 the accuracy of the amounts paid to the purse account at the
13 horsemen association's affiliated organization licensee from
14 advance deposit wagering. If more than one breed races at the
15 same race track facility, then the 50% of the moneys to be paid
16 to an organization licensee's purse account shall be allocated
17 among all organization licensees' purse accounts operating at
18 that race track facility proportionately based on the actual
19 number of host days that the Board grants to that breed at that
20 race track facility in the current calendar year. To the extent
21 any fees from advance deposit wagering conducted in Illinois
22 for wagers in Illinois or other states have been placed in
23 escrow or otherwise withheld from wagers pending a
24 determination of the legality of advance deposit wagering, no
25 action shall be brought to declare such wagers or the
26 disbursement of any fees previously escrowed illegal.

1 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
2 inter-track wagering licensee other than the host track may
3 supplement the host track simulcast program with
4 additional simulcast races or race programs, provided that
5 between January 1 and the third Friday in February of any
6 year, inclusive, if no live thoroughbred racing is
7 occurring in Illinois during this period, only
8 thoroughbred races may be used for supplemental interstate
9 simulcast purposes. The Board shall withhold approval for a
10 supplemental interstate simulcast only if it finds that the
11 simulcast is clearly adverse to the integrity of racing. A
12 supplemental interstate simulcast may be transmitted from
13 an inter-track wagering licensee to its affiliated
14 non-host licensees. The interstate commission fee for a
15 supplemental interstate simulcast shall be paid by the
16 non-host licensee and its affiliated non-host licensees
17 receiving the simulcast.

18 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
19 inter-track wagering licensee other than the host track may
20 receive supplemental interstate simulcasts only with the
21 consent of the host track, except when the Board finds that
22 the simulcast is clearly adverse to the integrity of
23 racing. Consent granted under this paragraph (2) to any
24 inter-track wagering licensee shall be deemed consent to
25 all non-host licensees. The interstate commission fee for
26 the supplemental interstate simulcast shall be paid by all

1 participating non-host licensees.

2 (3) Each licensee conducting interstate simulcast
3 wagering may retain, subject to the payment of all
4 applicable taxes and the purses, an amount not to exceed
5 17% of all money wagered. If any licensee conducts the
6 pari-mutuel system wagering on races conducted at
7 racetracks in another state or country, each such race or
8 race program shall be considered a separate racing day for
9 the purpose of determining the daily handle and computing
10 the privilege tax of that daily handle as provided in
11 subsection (a) of Section 27. Until January 1, 2000, from
12 the sums permitted to be retained pursuant to this
13 subsection, each inter-track wagering location licensee
14 shall pay 1% of the pari-mutuel handle wagered on simulcast
15 wagering to the Horse Racing Tax Allocation Fund, subject
16 to the provisions of subparagraph (B) of paragraph (11) of
17 subsection (h) of Section 26 of this Act.

18 (4) A licensee who receives an interstate simulcast may
19 combine its gross or net pools with pools at the sending
20 racetracks pursuant to rules established by the Board. All
21 licensees combining their gross pools at a sending
22 racetrack shall adopt the takeout percentages of the
23 sending racetrack. A licensee may also establish a separate
24 pool and takeout structure for wagering purposes on races
25 conducted at race tracks outside of the State of Illinois.
26 The licensee may permit pari-mutuel wagers placed in other

1 states or countries to be combined with its gross or net
2 wagering pools or other wagering pools.

3 (5) After the payment of the interstate commission fee
4 (except for the interstate commission fee on a supplemental
5 interstate simulcast, which shall be paid by the host track
6 and by each non-host licensee through the host track) and
7 all applicable State and local taxes, except as provided in
8 subsection (g) of Section 27 of this Act, the remainder of
9 moneys retained from simulcast wagering pursuant to this
10 subsection (g), and Section 26.2 shall be divided as
11 follows:

12 (A) For interstate simulcast wagers made at a host
13 track, 50% to the host track and 50% to purses at the
14 host track.

15 (B) For wagers placed on interstate simulcast
16 races, supplemental simulcasts as defined in
17 subparagraphs (1) and (2), and separately pooled races
18 conducted outside of the State of Illinois made at a
19 non-host licensee, 25% to the host track, 25% to the
20 non-host licensee, and 50% to the purses at the host
21 track.

22 (6) Notwithstanding any provision in this Act to the
23 contrary, non-host licensees who derive their licenses
24 from a track located in a county with a population in
25 excess of 230,000 and that borders the Mississippi River
26 may receive supplemental interstate simulcast races at all

1 times subject to Board approval, which shall be withheld
2 only upon a finding that a supplemental interstate
3 simulcast is clearly adverse to the integrity of racing.

4 (7) Effective January 1, 2017, notwithstanding any
5 provision of this Act to the contrary, after payment of all
6 applicable State and local taxes and interstate commission
7 fees, non-host licensees who derive their licenses from a
8 track located in a county with a population in excess of
9 230,000 and that borders the Mississippi River shall retain
10 50% of the retention from interstate simulcast wagers and
11 shall pay 50% to purses at the track from which the
12 non-host licensee derives its license.

13 (7.1) Notwithstanding any other provision of this Act
14 to the contrary, if no standardbred racing is conducted at
15 a racetrack located in Madison County during any calendar
16 year beginning on or after January 1, 2002, all moneys
17 derived by that racetrack from simulcast wagering and
18 inter-track wagering that (1) are to be used for purses and
19 (2) are generated between the hours of 6:30 p.m. and 6:30
20 a.m. during that calendar year shall be paid as follows:

21 (A) If the licensee that conducts horse racing at
22 that racetrack requests from the Board at least as many
23 racing dates as were conducted in calendar year 2000,
24 80% shall be paid to its thoroughbred purse account;
25 and

26 (B) Twenty percent shall be deposited into the

1 Illinois Colt Stakes Purse Distribution Fund and shall
2 be paid to purses for standardbred races for Illinois
3 conceived and foaled horses conducted at any county
4 fairgrounds. The moneys deposited into the Fund
5 pursuant to this subparagraph (B) shall be deposited
6 within 2 weeks after the day they were generated, shall
7 be in addition to and not in lieu of any other moneys
8 paid to standardbred purses under this Act, and shall
9 not be commingled with other moneys paid into that
10 Fund. The moneys deposited pursuant to this
11 subparagraph (B) shall be allocated as provided by the
12 Department of Agriculture, with the advice and
13 assistance of the Illinois Standardbred Breeders Fund
14 Advisory Board.

15 (7.2) Notwithstanding any other provision of this Act
16 to the contrary, if no thoroughbred racing is conducted at
17 a racetrack located in Madison County during any calendar
18 year beginning on or after January 1, 2002, all moneys
19 derived by that racetrack from simulcast wagering and
20 inter-track wagering that (1) are to be used for purses and
21 (2) are generated between the hours of 6:30 a.m. and 6:30
22 p.m. during that calendar year shall be deposited as
23 follows:

24 (A) If the licensee that conducts horse racing at
25 that racetrack requests from the Board at least as many
26 racing dates as were conducted in calendar year 2000,

1 80% shall be deposited into its standardbred purse
2 account; and

3 (B) Twenty percent shall be deposited into the
4 Illinois Colt Stakes Purse Distribution Fund. Moneys
5 deposited into the Illinois Colt Stakes Purse
6 Distribution Fund pursuant to this subparagraph (B)
7 shall be paid to Illinois conceived and foaled
8 thoroughbred breeders' programs and to thoroughbred
9 purses for races conducted at any county fairgrounds
10 for Illinois conceived and foaled horses at the
11 discretion of the Department of Agriculture, with the
12 advice and assistance of the Illinois Thoroughbred
13 Breeders Fund Advisory Board. The moneys deposited
14 into the Illinois Colt Stakes Purse Distribution Fund
15 pursuant to this subparagraph (B) shall be deposited
16 within 2 weeks after the day they were generated, shall
17 be in addition to and not in lieu of any other moneys
18 paid to thoroughbred purses under this Act, and shall
19 not be commingled with other moneys deposited into that
20 Fund.

21 ~~(7.3) (Blank).~~

22 ~~(7.4) (Blank).~~

23 (8) Notwithstanding any provision in this Act to the
24 contrary, an organization licensee from a track located in
25 a county with a population in excess of 230,000 and that
26 borders the Mississippi River and its affiliated non-host

1 licenses shall not be entitled to share in any retention
2 generated on racing, inter-track wagering, or simulcast
3 wagering at any other Illinois wagering facility.

4 (8.1) Notwithstanding any provisions in this Act to the
5 contrary, if 2 organization licensees are conducting
6 standardbred race meetings concurrently between the hours
7 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
8 State and local taxes and interstate commission fees, the
9 remainder of the amount retained from simulcast wagering
10 otherwise attributable to the host track and to host track
11 purses shall be split daily between the 2 organization
12 licensees and the purses at the tracks of the 2
13 organization licensees, respectively, based on each
14 organization licensee's share of the total live handle for
15 that day, provided that this provision shall not apply to
16 any non-host licensee that derives its license from a track
17 located in a county with a population in excess of 230,000
18 and that borders the Mississippi River.

19 (9) (Blank).

20 (10) (Blank).

21 (11) (Blank).

22 (12) The Board shall have authority to compel all host
23 tracks to receive the simulcast of any or all races
24 conducted at the Springfield or DuQuoin State fairgrounds
25 and include all such races as part of their simulcast
26 programs.

1 (13) Notwithstanding any other provision of this Act,
2 in the event that the total Illinois pari-mutuel handle on
3 Illinois horse races at all wagering facilities in any
4 calendar year is less than 75% of the total Illinois
5 pari-mutuel handle on Illinois horse races at all such
6 wagering facilities for calendar year 1994, then each
7 wagering facility that has an annual total Illinois
8 pari-mutuel handle on Illinois horse races that is less
9 than 75% of the total Illinois pari-mutuel handle on
10 Illinois horse races at such wagering facility for calendar
11 year 1994, shall be permitted to receive, from any amount
12 otherwise payable to the purse account at the race track
13 with which the wagering facility is affiliated in the
14 succeeding calendar year, an amount equal to 2% of the
15 differential in total Illinois pari-mutuel handle on
16 Illinois horse races at the wagering facility between that
17 calendar year in question and 1994 provided, however, that
18 a wagering facility shall not be entitled to any such
19 payment until the Board certifies in writing to the
20 wagering facility the amount to which the wagering facility
21 is entitled and a schedule for payment of the amount to the
22 wagering facility, based on: (i) the racing dates awarded
23 to the race track affiliated with the wagering facility
24 during the succeeding year; (ii) the sums available or
25 anticipated to be available in the purse account of the
26 race track affiliated with the wagering facility for purses

1 during the succeeding year; and (iii) the need to ensure
2 reasonable purse levels during the payment period. The
3 Board's certification shall be provided no later than
4 January 31 of the succeeding year. In the event a wagering
5 facility entitled to a payment under this paragraph (13) is
6 affiliated with a race track that maintains purse accounts
7 for both standardbred and thoroughbred racing, the amount
8 to be paid to the wagering facility shall be divided
9 between each purse account pro rata, based on the amount of
10 Illinois handle on Illinois standardbred and thoroughbred
11 racing respectively at the wagering facility during the
12 previous calendar year. Annually, the General Assembly
13 shall appropriate sufficient funds from the General
14 Revenue Fund to the Department of Agriculture for payment
15 into the thoroughbred and standardbred horse racing purse
16 accounts at Illinois pari-mutuel tracks. The amount paid to
17 each purse account shall be the amount certified by the
18 Illinois Racing Board in January to be transferred from
19 each account to each eligible racing facility in accordance
20 with the provisions of this Section. Beginning in the
21 calendar year in which an organization licensee that is
22 eligible to receive payment under this paragraph (13)
23 begins to receive funds from gaming pursuant to an
24 organization gaming license issued under the Illinois
25 Gambling Act, the amount of the payment due to all wagering
26 facilities licensed under that organization licensee under

1 this paragraph (13) shall be the amount certified by the
2 Board in January of that year. An organization licensee and
3 its related wagering facilities shall no longer be able to
4 receive payments under this paragraph (13) beginning in the
5 year subsequent to the first year in which the organization
6 licensee begins to receive funds from gaming pursuant to an
7 organization gaming license issued under the Illinois
8 Gambling Act.

9 (h) The Board may approve and license the conduct of
10 inter-track wagering and simulcast wagering by inter-track
11 wagering licensees and inter-track wagering location licensees
12 subject to the following terms and conditions:

13 (1) Any person licensed to conduct a race meeting (i)
14 at a track where 60 or more days of racing were conducted
15 during the immediately preceding calendar year or where
16 over the 5 immediately preceding calendar years an average
17 of 30 or more days of racing were conducted annually may be
18 issued an inter-track wagering license; (ii) at a track
19 located in a county that is bounded by the Mississippi
20 River, which has a population of less than 150,000
21 according to the 1990 decennial census, and an average of
22 at least 60 days of racing per year between 1985 and 1993
23 may be issued an inter-track wagering license; (iii) at a
24 track awarded standardbred racing dates; or (iv) at a track
25 located in Madison County that conducted at least 100 days
26 of live racing during the immediately preceding calendar

1 year may be issued an inter-track wagering license, unless
2 a lesser schedule of live racing is the result of (A)
3 weather, unsafe track conditions, or other acts of God; (B)
4 an agreement between the organization licensee and the
5 associations representing the largest number of owners,
6 trainers, jockeys, or standardbred drivers who race horses
7 at that organization licensee's racing meeting; or (C) a
8 finding by the Board of extraordinary circumstances and
9 that it was in the best interest of the public and the
10 sport to conduct fewer than 100 days of live racing. Any
11 such person having operating control of the racing facility
12 may receive inter-track wagering location licenses. An
13 eligible race track located in a county that has a
14 population of more than 230,000 and that is bounded by the
15 Mississippi River may establish up to 9 inter-track
16 wagering locations, an eligible race track located in
17 Stickney Township in Cook County may establish up to 16
18 inter-track wagering locations, and an eligible race track
19 located in Palatine Township in Cook County may establish
20 up to 18 inter-track wagering locations. An eligible
21 racetrack conducting standardbred racing may have up to 16
22 inter-track wagering locations. An application for said
23 license shall be filed with the Board prior to such dates
24 as may be fixed by the Board. With an application for an
25 inter-track wagering location license there shall be
26 delivered to the Board a certified check or bank draft

1 payable to the order of the Board for an amount equal to
2 \$500. The application shall be on forms prescribed and
3 furnished by the Board. The application shall comply with
4 all other rules, regulations and conditions imposed by the
5 Board in connection therewith.

6 (2) The Board shall examine the applications with
7 respect to their conformity with this Act and the rules and
8 regulations imposed by the Board. If found to be in
9 compliance with the Act and rules and regulations of the
10 Board, the Board may then issue a license to conduct
11 inter-track wagering and simulcast wagering to such
12 applicant. All such applications shall be acted upon by the
13 Board at a meeting to be held on such date as may be fixed
14 by the Board.

15 (3) In granting licenses to conduct inter-track
16 wagering and simulcast wagering, the Board shall give due
17 consideration to the best interests of the public, of horse
18 racing, and of maximizing revenue to the State.

19 (4) Prior to the issuance of a license to conduct
20 inter-track wagering and simulcast wagering, the applicant
21 shall file with the Board a bond payable to the State of
22 Illinois in the sum of \$50,000, executed by the applicant
23 and a surety company or companies authorized to do business
24 in this State, and conditioned upon (i) the payment by the
25 licensee of all taxes due under Section 27 or 27.1 and any
26 other monies due and payable under this Act, and (ii)

1 distribution by the licensee, upon presentation of the
2 winning ticket or tickets, of all sums payable to the
3 patrons of pari-mutuel pools.

4 (5) Each license to conduct inter-track wagering and
5 simulcast wagering shall specify the person to whom it is
6 issued, the dates on which such wagering is permitted, and
7 the track or location where the wagering is to be
8 conducted.

9 (6) All wagering under such license is subject to this
10 Act and to the rules and regulations from time to time
11 prescribed by the Board, and every such license issued by
12 the Board shall contain a recital to that effect.

13 (7) An inter-track wagering licensee or inter-track
14 wagering location licensee may accept wagers at the track
15 or location where it is licensed, or as otherwise provided
16 under this Act.

17 (8) Inter-track wagering or simulcast wagering shall
18 not be conducted at any track less than 4 miles from a
19 track at which a racing meeting is in progress.

20 (8.1) Inter-track wagering location licensees who
21 derive their licenses from a particular organization
22 licensee shall conduct inter-track wagering and simulcast
23 wagering only at locations that are within 160 miles of
24 that race track where the particular organization licensee
25 is licensed to conduct racing. However, inter-track
26 wagering and simulcast wagering shall not be conducted by

1 those licensees at any location within 5 miles of any race
2 track at which a horse race meeting has been licensed in
3 the current year, unless the person having operating
4 control of such race track has given its written consent to
5 such inter-track wagering location licensees, which
6 consent must be filed with the Board at or prior to the
7 time application is made. In the case of any inter-track
8 wagering location licensee initially licensed after
9 December 31, 2013, inter-track wagering and simulcast
10 wagering shall not be conducted by those inter-track
11 wagering location licensees that are located outside the
12 City of Chicago at any location within 8 miles of any race
13 track at which a horse race meeting has been licensed in
14 the current year, unless the person having operating
15 control of such race track has given its written consent to
16 such inter-track wagering location licensees, which
17 consent must be filed with the Board at or prior to the
18 time application is made.

19 (8.2) Inter-track wagering or simulcast wagering shall
20 not be conducted by an inter-track wagering location
21 licensee at any location within 100 feet of an existing
22 church, an existing elementary or secondary public school,
23 or an existing elementary or secondary private school
24 registered with or recognized by the State Board of
25 Education. The distance of 100 feet shall be measured to
26 the nearest part of any building used for worship services,

1 education programs, or conducting inter-track wagering by
2 an inter-track wagering location licensee, and not to
3 property boundaries. However, inter-track wagering or
4 simulcast wagering may be conducted at a site within 100
5 feet of a church or school if such church or school has
6 been erected or established after the Board issues the
7 original inter-track wagering location license at the site
8 in question. Inter-track wagering location licensees may
9 conduct inter-track wagering and simulcast wagering only
10 in areas that are zoned for commercial or manufacturing
11 purposes or in areas for which a special use has been
12 approved by the local zoning authority. However, no license
13 to conduct inter-track wagering and simulcast wagering
14 shall be granted by the Board with respect to any
15 inter-track wagering location within the jurisdiction of
16 any local zoning authority which has, by ordinance or by
17 resolution, prohibited the establishment of an inter-track
18 wagering location within its jurisdiction. However,
19 inter-track wagering and simulcast wagering may be
20 conducted at a site if such ordinance or resolution is
21 enacted after the Board licenses the original inter-track
22 wagering location licensee for the site in question.

23 (9) (Blank).

24 (10) An inter-track wagering licensee or an
25 inter-track wagering location licensee may retain, subject
26 to the payment of the privilege taxes and the purses, an

1 amount not to exceed 17% of all money wagered. Each program
2 of racing conducted by each inter-track wagering licensee
3 or inter-track wagering location licensee shall be
4 considered a separate racing day for the purpose of
5 determining the daily handle and computing the privilege
6 tax or pari-mutuel tax on such daily handle as provided in
7 Section 27.

8 (10.1) Except as provided in subsection (g) of Section
9 27 of this Act, inter-track wagering location licensees
10 shall pay 1% of the pari-mutuel handle at each location to
11 the municipality in which such location is situated and 1%
12 of the pari-mutuel handle at each location to the county in
13 which such location is situated. In the event that an
14 inter-track wagering location licensee is situated in an
15 unincorporated area of a county, such licensee shall pay 2%
16 of the pari-mutuel handle from such location to such
17 county. Inter-track wagering location licensees must pay
18 the handle percentage required under this paragraph to the
19 municipality and county no later than the 20th of the month
20 following the month such handle was generated.

21 (10.2) Notwithstanding any other provision of this
22 Act, with respect to inter-track wagering at a race track
23 located in a county that has a population of more than
24 230,000 and that is bounded by the Mississippi River ("the
25 first race track"), or at a facility operated by an
26 inter-track wagering licensee or inter-track wagering

1 location licensee that derives its license from the
2 organization licensee that operates the first race track,
3 on races conducted at the first race track or on races
4 conducted at another Illinois race track and
5 simultaneously televised to the first race track or to a
6 facility operated by an inter-track wagering licensee or
7 inter-track wagering location licensee that derives its
8 license from the organization licensee that operates the
9 first race track, those moneys shall be allocated as
10 follows:

11 (A) That portion of all moneys wagered on
12 standardbred racing that is required under this Act to
13 be paid to purses shall be paid to purses for
14 standardbred races.

15 (B) That portion of all moneys wagered on
16 thoroughbred racing that is required under this Act to
17 be paid to purses shall be paid to purses for
18 thoroughbred races.

19 (11) (A) After payment of the privilege or pari-mutuel
20 tax, any other applicable taxes, and the costs and expenses
21 in connection with the gathering, transmission, and
22 dissemination of all data necessary to the conduct of
23 inter-track wagering, the remainder of the monies retained
24 under either Section 26 or Section 26.2 of this Act by the
25 inter-track wagering licensee on inter-track wagering
26 shall be allocated with 50% to be split between the 2

1 participating licensees and 50% to purses, except that an
2 inter-track wagering licensee that derives its license
3 from a track located in a county with a population in
4 excess of 230,000 and that borders the Mississippi River
5 shall not divide any remaining retention with the Illinois
6 organization licensee that provides the race or races, and
7 an inter-track wagering licensee that accepts wagers on
8 races conducted by an organization licensee that conducts a
9 race meet in a county with a population in excess of
10 230,000 and that borders the Mississippi River shall not
11 divide any remaining retention with that organization
12 licensee.

13 (B) From the sums permitted to be retained pursuant to
14 this Act each inter-track wagering location licensee shall
15 pay (i) the privilege or pari-mutuel tax to the State; (ii)
16 4.75% of the pari-mutuel handle on inter-track wagering at
17 such location on races as purses, except that an
18 inter-track wagering location licensee that derives its
19 license from a track located in a county with a population
20 in excess of 230,000 and that borders the Mississippi River
21 shall retain all purse moneys for its own purse account
22 consistent with distribution set forth in this subsection
23 (h), and inter-track wagering location licensees that
24 accept wagers on races conducted by an organization
25 licensee located in a county with a population in excess of
26 230,000 and that borders the Mississippi River shall

1 distribute all purse moneys to purses at the operating host
2 track; (iii) until January 1, 2000, except as provided in
3 subsection (g) of Section 27 of this Act, 1% of the
4 pari-mutuel handle wagered on inter-track wagering and
5 simulcast wagering at each inter-track wagering location
6 licensee facility to the Horse Racing Tax Allocation Fund,
7 provided that, to the extent the total amount collected and
8 distributed to the Horse Racing Tax Allocation Fund under
9 this subsection (h) during any calendar year exceeds the
10 amount collected and distributed to the Horse Racing Tax
11 Allocation Fund during calendar year 1994, that excess
12 amount shall be redistributed (I) to all inter-track
13 wagering location licensees, based on each licensee's pro
14 rata share of the total handle from inter-track wagering
15 and simulcast wagering for all inter-track wagering
16 location licensees during the calendar year in which this
17 provision is applicable; then (II) the amounts
18 redistributed to each inter-track wagering location
19 licensee as described in subpart (I) shall be further
20 redistributed as provided in subparagraph (B) of paragraph
21 (5) of subsection (g) of this Section 26 provided first,
22 that the shares of those amounts, which are to be
23 redistributed to the host track or to purses at the host
24 track under subparagraph (B) of paragraph (5) of subsection
25 (g) of this Section 26 shall be redistributed based on each
26 host track's pro rata share of the total inter-track

1 waging and simulcast waging handle at all host tracks
2 during the calendar year in question, and second, that any
3 amounts redistributed as described in part (I) to an
4 inter-track waging location licensee that accepts wagers
5 on races conducted by an organization licensee that
6 conducts a race meet in a county with a population in
7 excess of 230,000 and that borders the Mississippi River
8 shall be further redistributed, effective January 1, 2017,
9 as provided in paragraph (7) of subsection (g) of this
10 Section 26, with the portion of that further redistribution
11 allocated to purses at that organization licensee to be
12 divided between standardbred purses and thoroughbred
13 purses based on the amounts otherwise allocated to purses
14 at that organization licensee during the calendar year in
15 question; and (iv) 8% of the pari-mutuel handle on
16 inter-track waging wagered at such location to satisfy
17 all costs and expenses of conducting its waging. The
18 remainder of the monies retained by the inter-track
19 waging location licensee shall be allocated 40% to the
20 location licensee and 60% to the organization licensee
21 which provides the Illinois races to the location, except
22 that an inter-track waging location licensee that
23 derives its license from a track located in a county with a
24 population in excess of 230,000 and that borders the
25 Mississippi River shall not divide any remaining retention
26 with the organization licensee that provides the race or

1 races and an inter-track wagering location licensee that
2 accepts wagers on races conducted by an organization
3 licensee that conducts a race meet in a county with a
4 population in excess of 230,000 and that borders the
5 Mississippi River shall not divide any remaining retention
6 with the organization licensee. Notwithstanding the
7 provisions of clauses (ii) and (iv) of this paragraph, in
8 the case of the additional inter-track wagering location
9 licenses authorized under paragraph (1) of this subsection
10 (h) by Public Act 87-110, those licensees shall pay the
11 following amounts as purses: during the first 12 months the
12 licensee is in operation, 5.25% of the pari-mutuel handle
13 wagered at the location on races; during the second 12
14 months, 5.25%; during the third 12 months, 5.75%; during
15 the fourth 12 months, 6.25%; and during the fifth 12 months
16 and thereafter, 6.75%. The following amounts shall be
17 retained by the licensee to satisfy all costs and expenses
18 of conducting its wagering: during the first 12 months the
19 licensee is in operation, 8.25% of the pari-mutuel handle
20 wagered at the location; during the second 12 months,
21 8.25%; during the third 12 months, 7.75%; during the fourth
22 12 months, 7.25%; and during the fifth 12 months and
23 thereafter, 6.75%. For additional inter-track wagering
24 location licensees authorized under Public Act 89-16,
25 purses for the first 12 months the licensee is in operation
26 shall be 5.75% of the pari-mutuel wagered at the location,

1 purses for the second 12 months the licensee is in
2 operation shall be 6.25%, and purses thereafter shall be
3 6.75%. For additional inter-track location licensees
4 authorized under Public Act 89-16, the licensee shall be
5 allowed to retain to satisfy all costs and expenses: 7.75%
6 of the pari-mutuel handle wagered at the location during
7 its first 12 months of operation, 7.25% during its second
8 12 months of operation, and 6.75% thereafter.

9 (C) There is hereby created the Horse Racing Tax
10 Allocation Fund which shall remain in existence until
11 December 31, 1999. Moneys remaining in the Fund after
12 December 31, 1999 shall be paid into the General Revenue
13 Fund. Until January 1, 2000, all monies paid into the Horse
14 Racing Tax Allocation Fund pursuant to this paragraph (11)
15 by inter-track wagering location licensees located in park
16 districts of 500,000 population or less, or in a
17 municipality that is not included within any park district
18 but is included within a conservation district and is the
19 county seat of a county that (i) is contiguous to the state
20 of Indiana and (ii) has a 1990 population of 88,257
21 according to the United States Bureau of the Census, and
22 operating on May 1, 1994 shall be allocated by
23 appropriation as follows:

24 Two-sevenths to the Department of Agriculture.

25 Fifty percent of this two-sevenths shall be used to
26 promote the Illinois horse racing and breeding

1 industry, and shall be distributed by the Department of
2 Agriculture upon the advice of a 9-member committee
3 appointed by the Governor consisting of the following
4 members: the Director of Agriculture, who shall serve
5 as chairman; 2 representatives of organization
6 licensees conducting thoroughbred race meetings in
7 this State, recommended by those licensees; 2
8 representatives of organization licensees conducting
9 standardbred race meetings in this State, recommended
10 by those licensees; a representative of the Illinois
11 Thoroughbred Breeders and Owners Foundation,
12 recommended by that Foundation; a representative of
13 the Illinois Standardbred Owners and Breeders
14 Association, recommended by that Association; a
15 representative of the Horsemen's Benevolent and
16 Protective Association or any successor organization
17 thereto established in Illinois comprised of the
18 largest number of owners and trainers, recommended by
19 that Association or that successor organization; and a
20 representative of the Illinois Harness Horsemen's
21 Association, recommended by that Association.
22 Committee members shall serve for terms of 2 years,
23 commencing January 1 of each even-numbered year. If a
24 representative of any of the above-named entities has
25 not been recommended by January 1 of any even-numbered
26 year, the Governor shall appoint a committee member to

1 fill that position. Committee members shall receive no
2 compensation for their services as members but shall be
3 reimbursed for all actual and necessary expenses and
4 disbursements incurred in the performance of their
5 official duties. The remaining 50% of this
6 two-sevenths shall be distributed to county fairs for
7 premiums and rehabilitation as set forth in the
8 Agricultural Fair Act;

9 Four-sevenths to park districts or municipalities
10 that do not have a park district of 500,000 population
11 or less for museum purposes (if an inter-track wagering
12 location licensee is located in such a park district)
13 or to conservation districts for museum purposes (if an
14 inter-track wagering location licensee is located in a
15 municipality that is not included within any park
16 district but is included within a conservation
17 district and is the county seat of a county that (i) is
18 contiguous to the state of Indiana and (ii) has a 1990
19 population of 88,257 according to the United States
20 Bureau of the Census, except that if the conservation
21 district does not maintain a museum, the monies shall
22 be allocated equally between the county and the
23 municipality in which the inter-track wagering
24 location licensee is located for general purposes) or
25 to a municipal recreation board for park purposes (if
26 an inter-track wagering location licensee is located

1 in a municipality that is not included within any park
2 district and park maintenance is the function of the
3 municipal recreation board and the municipality has a
4 1990 population of 9,302 according to the United States
5 Bureau of the Census); provided that the monies are
6 distributed to each park district or conservation
7 district or municipality that does not have a park
8 district in an amount equal to four-sevenths of the
9 amount collected by each inter-track wagering location
10 licensee within the park district or conservation
11 district or municipality for the Fund. Monies that were
12 paid into the Horse Racing Tax Allocation Fund before
13 August 9, 1991 (the effective date of Public Act
14 87-110) by an inter-track wagering location licensee
15 located in a municipality that is not included within
16 any park district but is included within a conservation
17 district as provided in this paragraph shall, as soon
18 as practicable after August 9, 1991 (the effective date
19 of Public Act 87-110), be allocated and paid to that
20 conservation district as provided in this paragraph.
21 Any park district or municipality not maintaining a
22 museum may deposit the monies in the corporate fund of
23 the park district or municipality where the
24 inter-track wagering location is located, to be used
25 for general purposes; and

26 One-seventh to the Agricultural Premium Fund to be

1 used for distribution to agricultural home economics
2 extension councils in accordance with "An Act in
3 relation to additional support and finances for the
4 Agricultural and Home Economic Extension Councils in
5 the several counties of this State and making an
6 appropriation therefor", approved July 24, 1967.

7 Until January 1, 2000, all other monies paid into the
8 Horse Racing Tax Allocation Fund pursuant to this paragraph
9 (11) shall be allocated by appropriation as follows:

10 Two-sevenths to the Department of Agriculture.
11 Fifty percent of this two-sevenths shall be used to
12 promote the Illinois horse racing and breeding
13 industry, and shall be distributed by the Department of
14 Agriculture upon the advice of a 9-member committee
15 appointed by the Governor consisting of the following
16 members: the Director of Agriculture, who shall serve
17 as chairman; 2 representatives of organization
18 licensees conducting thoroughbred race meetings in
19 this State, recommended by those licensees; 2
20 representatives of organization licensees conducting
21 standardbred race meetings in this State, recommended
22 by those licensees; a representative of the Illinois
23 Thoroughbred Breeders and Owners Foundation,
24 recommended by that Foundation; a representative of
25 the Illinois Standardbred Owners and Breeders
26 Association, recommended by that Association; a

1 representative of the Horsemen's Benevolent and
2 Protective Association or any successor organization
3 thereto established in Illinois comprised of the
4 largest number of owners and trainers, recommended by
5 that Association or that successor organization; and a
6 representative of the Illinois Harness Horsemen's
7 Association, recommended by that Association.
8 Committee members shall serve for terms of 2 years,
9 commencing January 1 of each even-numbered year. If a
10 representative of any of the above-named entities has
11 not been recommended by January 1 of any even-numbered
12 year, the Governor shall appoint a committee member to
13 fill that position. Committee members shall receive no
14 compensation for their services as members but shall be
15 reimbursed for all actual and necessary expenses and
16 disbursements incurred in the performance of their
17 official duties. The remaining 50% of this
18 two-sevenths shall be distributed to county fairs for
19 premiums and rehabilitation as set forth in the
20 Agricultural Fair Act;

21 Four-sevenths to museums and aquariums located in
22 park districts of over 500,000 population; provided
23 that the monies are distributed in accordance with the
24 previous year's distribution of the maintenance tax
25 for such museums and aquariums as provided in Section 2
26 of the Park District Aquarium and Museum Act; and

1 One-seventh to the Agricultural Premium Fund to be
2 used for distribution to agricultural home economics
3 extension councils in accordance with "An Act in
4 relation to additional support and finances for the
5 Agricultural and Home Economic Extension Councils in
6 the several counties of this State and making an
7 appropriation therefor", approved July 24, 1967. This
8 subparagraph (C) shall be inoperative and of no force
9 and effect on and after January 1, 2000.

10 (D) Except as provided in paragraph (11) of this
11 subsection (h), with respect to purse allocation from
12 inter-track wagering, the monies so retained shall be
13 divided as follows:

14 (i) If the inter-track wagering licensee,
15 except an inter-track wagering licensee that
16 derives its license from an organization licensee
17 located in a county with a population in excess of
18 230,000 and bounded by the Mississippi River, is
19 not conducting its own race meeting during the same
20 dates, then the entire purse allocation shall be to
21 purses at the track where the races wagered on are
22 being conducted.

23 (ii) If the inter-track wagering licensee,
24 except an inter-track wagering licensee that
25 derives its license from an organization licensee
26 located in a county with a population in excess of

1 230,000 and bounded by the Mississippi River, is
2 also conducting its own race meeting during the
3 same dates, then the purse allocation shall be as
4 follows: 50% to purses at the track where the races
5 wagered on are being conducted; 50% to purses at
6 the track where the inter-track wagering licensee
7 is accepting such wagers.

8 (iii) If the inter-track wagering is being
9 conducted by an inter-track wagering location
10 licensee, except an inter-track wagering location
11 licensee that derives its license from an
12 organization licensee located in a county with a
13 population in excess of 230,000 and bounded by the
14 Mississippi River, the entire purse allocation for
15 Illinois races shall be to purses at the track
16 where the race meeting being wagered on is being
17 held.

18 (12) The Board shall have all powers necessary and
19 proper to fully supervise and control the conduct of
20 inter-track wagering and simulcast wagering by inter-track
21 wagering licensees and inter-track wagering location
22 licensees, including, but not limited to, the following:

23 (A) The Board is vested with power to promulgate
24 reasonable rules and regulations for the purpose of
25 administering the conduct of this wagering and to
26 prescribe reasonable rules, regulations and conditions

1 under which such wagering shall be held and conducted.
2 Such rules and regulations are to provide for the
3 prevention of practices detrimental to the public
4 interest and for the best interests of said wagering
5 and to impose penalties for violations thereof.

6 (B) The Board, and any person or persons to whom it
7 delegates this power, is vested with the power to enter
8 the facilities of any licensee to determine whether
9 there has been compliance with the provisions of this
10 Act and the rules and regulations relating to the
11 conduct of such wagering.

12 (C) The Board, and any person or persons to whom it
13 delegates this power, may eject or exclude from any
14 licensee's facilities, any person whose conduct or
15 reputation is such that his presence on such premises
16 may, in the opinion of the Board, call into the
17 question the honesty and integrity of, or interfere
18 with the orderly conduct of such wagering; provided,
19 however, that no person shall be excluded or ejected
20 from such premises solely on the grounds of race,
21 color, creed, national origin, ancestry, or sex.

22 (D) (Blank).

23 (E) The Board is vested with the power to appoint
24 delegates to execute any of the powers granted to it
25 under this Section for the purpose of administering
26 this wagering and any rules and regulations

1 promulgated in accordance with this Act.

2 (F) The Board shall name and appoint a State
3 director of this wagering who shall be a representative
4 of the Board and whose duty it shall be to supervise
5 the conduct of inter-track wagering as may be provided
6 for by the rules and regulations of the Board; such
7 rules and regulation shall specify the method of
8 appointment and the Director's powers, authority and
9 duties.

10 (G) The Board is vested with the power to impose
11 civil penalties of up to \$5,000 against individuals and
12 up to \$10,000 against licensees for each violation of
13 any provision of this Act relating to the conduct of
14 this wagering, any rules adopted by the Board, any
15 order of the Board or any other action which in the
16 Board's discretion, is a detriment or impediment to
17 such wagering.

18 (13) The Department of Agriculture may enter into
19 agreements with licensees authorizing such licensees to
20 conduct inter-track wagering on races to be held at the
21 licensed race meetings conducted by the Department of
22 Agriculture. Such agreement shall specify the races of the
23 Department of Agriculture's licensed race meeting upon
24 which the licensees will conduct wagering. In the event
25 that a licensee conducts inter-track pari-mutuel wagering
26 on races from the Illinois State Fair or DuQuoin State Fair

1 which are in addition to the licensee's previously approved
2 racing program, those races shall be considered a separate
3 racing day for the purpose of determining the daily handle
4 and computing the privilege or pari-mutuel tax on that
5 daily handle as provided in Sections 27 and 27.1. Such
6 agreements shall be approved by the Board before such
7 wagering may be conducted. In determining whether to grant
8 approval, the Board shall give due consideration to the
9 best interests of the public and of horse racing. The
10 provisions of paragraphs (1), (8), (8.1), and (8.2) of
11 subsection (h) of this Section which are not specified in
12 this paragraph (13) shall not apply to licensed race
13 meetings conducted by the Department of Agriculture at the
14 Illinois State Fair in Sangamon County or the DuQuoin State
15 Fair in Perry County, or to any wagering conducted on those
16 race meetings.

17 (14) An inter-track wagering location license
18 authorized by the Board in 2016 that is owned and operated
19 by a race track in Rock Island County shall be transferred
20 to a commonly owned race track in Cook County on August 12,
21 2016 (the effective date of Public Act 99-757). The
22 licensee shall retain its status in relation to purse
23 distribution under paragraph (11) of this subsection (h)
24 following the transfer to the new entity. The pari-mutuel
25 tax credit under Section 32.1 shall not be applied toward
26 any pari-mutuel tax obligation of the inter-track wagering

1 location licensee of the license that is transferred under
2 this paragraph (14).

3 (i) Notwithstanding the other provisions of this Act, the
4 conduct of wagering at wagering facilities is authorized on all
5 days, except as limited by subsection (b) of Section 19 of this
6 Act.

7 (Source: P.A. 100-201, eff. 8-18-17; 100-627, eff. 7-20-18;
8 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19; 101-52, eff.
9 7-12-19; 101-81, eff. 7-12-19; 101-109, eff. 7-19-19; revised
10 9-27-19.)

11 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

12 Sec. 27. (a) In addition to the organization license fee
13 provided by this Act, until January 1, 2000, a graduated
14 privilege tax is hereby imposed for conducting the pari-mutuel
15 system of wagering permitted under this Act. Until January 1,
16 2000, except as provided in subsection (g) of Section 27 of
17 this Act, all of the breakage of each racing day held by any
18 licensee in the State shall be paid to the State. Until January
19 1, 2000, such daily graduated privilege tax shall be paid by
20 the licensee from the amount permitted to be retained under
21 this Act. Until January 1, 2000, each day's graduated privilege
22 tax, breakage, and Horse Racing Tax Allocation funds shall be
23 remitted to the Department of Revenue within 48 hours after the
24 close of the racing day upon which it is assessed or within
25 such other time as the Board prescribes. The privilege tax

1 hereby imposed, until January 1, 2000, shall be a flat tax at
2 the rate of 2% of the daily pari-mutuel handle except as
3 provided in Section 27.1.

4 In addition, every organization licensee, except as
5 provided in Section 27.1 of this Act, which conducts multiple
6 wagering shall pay, until January 1, 2000, as a privilege tax
7 on multiple wagers an amount equal to 1.25% of all moneys
8 wagered each day on such multiple wagers, plus an additional
9 amount equal to 3.5% of the amount wagered each day on any
10 other multiple wager which involves a single betting interest
11 on 3 or more horses. The licensee shall remit the amount of
12 such taxes to the Department of Revenue within 48 hours after
13 the close of the racing day on which it is assessed or within
14 such other time as the Board prescribes.

15 This subsection (a) shall be inoperative and of no force
16 and effect on and after January 1, 2000.

17 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
18 at the rate of 1.5% of the daily pari-mutuel handle is imposed
19 at all pari-mutuel wagering facilities and on advance deposit
20 wagering from a location other than a wagering facility, except
21 as otherwise provided for in this subsection (a-5). In addition
22 to the pari-mutuel tax imposed on advance deposit wagering
23 pursuant to this subsection (a-5), beginning on August 24, 2012
24 (the effective date of Public Act 97-1060), an additional
25 pari-mutuel tax at the rate of 0.25% shall be imposed on
26 advance deposit wagering. Until August 25, 2012, the additional

1 0.25% pari-mutuel tax imposed on advance deposit wagering by
2 Public Act 96-972 shall be deposited into the Quarter Horse
3 Purse Fund, which shall be created as a non-appropriated trust
4 fund administered by the Board for grants to thoroughbred
5 organization licensees for payment of purses for quarter horse
6 races conducted by the organization licensee. Beginning on
7 August 26, 2012, the additional 0.25% pari-mutuel tax imposed
8 on advance deposit wagering shall be deposited into the
9 Standardbred Purse Fund, which shall be created as a
10 non-appropriated trust fund administered by the Board, for
11 grants to the standardbred organization licensees for payment
12 of purses for standardbred horse races conducted by the
13 organization licensee. Thoroughbred organization licensees may
14 petition the Board to conduct quarter horse racing and receive
15 purse grants from the Quarter Horse Purse Fund. The Board shall
16 have complete discretion in distributing the Quarter Horse
17 Purse Fund to the petitioning organization licensees.
18 Beginning on July 26, 2010 (the effective date of Public Act
19 96-1287), a pari-mutuel tax at the rate of 0.75% of the daily
20 pari-mutuel handle is imposed at a pari-mutuel facility whose
21 license is derived from a track located in a county that
22 borders the Mississippi River and conducted live racing in the
23 previous year. The pari-mutuel tax imposed by this subsection
24 (a-5) shall be remitted to the Department of Revenue within 48
25 hours after the close of the racing day upon which it is
26 assessed or within such other time as the Board prescribes.

1 (a-10) Beginning on the date when an organization licensee
2 begins conducting gaming pursuant to an organization gaming
3 license, the following pari-mutuel tax is imposed upon an
4 organization licensee on Illinois races at the licensee's
5 racetrack:

6 1.5% of the pari-mutuel handle at or below the average
7 daily pari-mutuel handle for 2011.

8 2% of the pari-mutuel handle above the average daily
9 pari-mutuel handle for 2011 up to 125% of the average daily
10 pari-mutuel handle for 2011.

11 2.5% of the pari-mutuel handle 125% or more above the
12 average daily pari-mutuel handle for 2011 up to 150% of the
13 average daily pari-mutuel handle for 2011.

14 3% of the pari-mutuel handle 150% or more above the
15 average daily pari-mutuel handle for 2011 up to 175% of the
16 average daily pari-mutuel handle for 2011.

17 3.5% of the pari-mutuel handle 175% or more above the
18 average daily pari-mutuel handle for 2011.

19 The pari-mutuel tax imposed by this subsection (a-10) shall
20 be remitted to the Board within 48 hours after the close of the
21 racing day upon which it is assessed or within such other time
22 as the Board prescribes.

23 (b) On or before December 31, 1999, in the event that any
24 organization licensee conducts 2 separate programs of races on
25 any day, each such program shall be considered a separate
26 racing day for purposes of determining the daily handle and

1 computing the privilege tax on such daily handle as provided in
2 subsection (a) of this Section.

3 (c) Licensees shall at all times keep accurate books and
4 records of all monies wagered on each day of a race meeting and
5 of the taxes paid to the Department of Revenue under the
6 provisions of this Section. The Board or its duly authorized
7 representative or representatives shall at all reasonable
8 times have access to such records for the purpose of examining
9 and checking the same and ascertaining whether the proper
10 amount of taxes is being paid as provided. The Board shall
11 require verified reports and a statement of the total of all
12 monies wagered daily at each wagering facility upon which the
13 taxes are assessed and may prescribe forms upon which such
14 reports and statement shall be made.

15 (d) Before a license is issued or re-issued, the licensee
16 shall post a bond in the sum of \$500,000 to the State of
17 Illinois. The bond shall be used to guarantee that the licensee
18 faithfully makes the payments, keeps the books and records, ~~and~~
19 makes reports, and conducts games of chance in conformity with
20 this Act and the rules adopted by the Board. The bond shall not
21 be canceled by a surety on less than 30 days' notice in writing
22 to the Board. If a bond is canceled and the licensee fails to
23 file a new bond with the Board in the required amount on or
24 before the effective date of cancellation, the licensee's
25 license shall be revoked. The total and aggregate liability of
26 the surety on the bond is limited to the amount specified in

1 the bond.

2 (e) No other license fee, privilege tax, excise tax, or
3 racing fee, except as provided in this Act, shall be assessed
4 or collected from any such licensee by the State.

5 (f) No other license fee, privilege tax, excise tax or
6 racing fee shall be assessed or collected from any such
7 licensee by units of local government except as provided in
8 paragraph 10.1 of subsection (h) and subsection (f) of Section
9 26 of this Act. However, any municipality that has a Board
10 licensed horse race meeting at a race track wholly within its
11 corporate boundaries or a township that has a Board licensed
12 horse race meeting at a race track wholly within the
13 unincorporated area of the township may charge a local
14 amusement tax not to exceed 10¢ per admission to such horse
15 race meeting by the enactment of an ordinance. However, any
16 municipality or county that has a Board licensed inter-track
17 wagering location facility wholly within its corporate
18 boundaries may each impose an admission fee not to exceed \$1.00
19 per admission to such inter-track wagering location facility,
20 so that a total of not more than \$2.00 per admission may be
21 imposed. Except as provided in subparagraph (g) of Section 27
22 of this Act, the inter-track wagering location licensee shall
23 collect any and all such fees. Inter-track wagering location
24 licensees must pay the admission fees required under this
25 subsection (f) to the municipality and county no later than the
26 20th of the month following the month such admission fees were

1 imposed. ~~as the Board prescribes~~

2 (g) Notwithstanding any provision in this Act to the
3 contrary, if in any calendar year the total taxes and fees from
4 wagering on live racing and from inter-track wagering required
5 to be collected from licensees and distributed under this Act
6 to all State and local governmental authorities exceeds the
7 amount of such taxes and fees distributed to each State and
8 local governmental authority to which each State and local
9 governmental authority was entitled under this Act for calendar
10 year 1994, then the first \$11 million of that excess amount
11 shall be allocated at the earliest possible date for
12 distribution as purse money for the succeeding calendar year.
13 Upon reaching the 1994 level, and until the excess amount of
14 taxes and fees exceeds \$11 million, the Board shall direct all
15 licensees to cease paying the subject taxes and fees and the
16 Board shall direct all licensees to allocate any such excess
17 amount for purses as follows:

18 (i) the excess amount shall be initially divided
19 between thoroughbred and standardbred purses based on the
20 thoroughbred's and standardbred's respective percentages
21 of total Illinois live wagering in calendar year 1994;

22 (ii) each thoroughbred and standardbred organization
23 licensee issued an organization licensee in that
24 succeeding allocation year shall be allocated an amount
25 equal to the product of its percentage of total Illinois
26 live thoroughbred or standardbred wagering in calendar

1 year 1994 (the total to be determined based on the sum of
2 1994 on-track wagering for all organization licensees
3 issued organization licenses in both the allocation year
4 and the preceding year) multiplied by the total amount
5 allocated for standardbred or thoroughbred purses,
6 provided that the first \$1,500,000 of the amount allocated
7 to standardbred purses under item (i) shall be allocated to
8 the Department of Agriculture to be expended with the
9 assistance and advice of the Illinois Standardbred
10 Breeders Funds Advisory Board for the purposes listed in
11 subsection (g) of Section 31 of this Act, before the amount
12 allocated to standardbred purses under item (i) is
13 allocated to standardbred organization licensees in the
14 succeeding allocation year.

15 To the extent the excess amount of taxes and fees to be
16 collected and distributed to State and local governmental
17 authorities exceeds \$11 million, that excess amount shall be
18 collected and distributed to State and local authorities as
19 provided for under this Act.

20 (Source: P.A. 100-627, eff. 7-20-18; 101-31, eff. 6-28-19;
21 101-52, eff. 7-12-19; revised 8-28-19.)

22 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

23 Sec. 31. (a) The General Assembly declares that it is the
24 policy of this State to encourage the breeding of standardbred
25 horses in this State and the ownership of such horses by

1 residents of this State in order to provide for: sufficient
2 numbers of high quality standardbred horses to participate in
3 harness racing meetings in this State, and to establish and
4 preserve the agricultural and commercial benefits of such
5 breeding and racing industries to the State of Illinois. It is
6 the intent of the General Assembly to further this policy by
7 the provisions of this Section of this Act.

8 (b) Each organization licensee conducting a harness racing
9 meeting pursuant to this Act shall provide for at least two
10 races each race program limited to Illinois conceived and
11 foaled horses. A minimum of 6 races shall be conducted each
12 week limited to Illinois conceived and foaled horses. No horses
13 shall be permitted to start in such races unless duly
14 registered under the rules of the Department of Agriculture.

15 (b-5) Organization licensees, not including the Illinois
16 State Fair or the DuQuoin State Fair, shall provide stake races
17 and early closer races for Illinois conceived and foaled horses
18 so that purses distributed for such races shall be no less than
19 17% of total purses distributed for harness racing in that
20 calendar year in addition to any stakes payments and starting
21 fees contributed by horse owners.

22 (b-10) Each organization licensee conducting a harness
23 racing meeting pursuant to this Act shall provide an owner
24 award to be paid from the purse account equal to 12% of the
25 amount earned by Illinois conceived and foaled horses finishing
26 in the first 3 positions in races that are not restricted to

1 Illinois conceived and foaled horses. The owner awards shall
2 not be paid on races below the \$10,000 claiming class.

3 (c) Conditions of races under subsection (b) shall be
4 commensurate with past performance, quality and class of
5 Illinois conceived and foaled horses available. If, however,
6 sufficient competition cannot be had among horses of that class
7 on any day, the races may, with consent of the Board, be
8 eliminated for that day and substitute races provided.

9 (d) There is hereby created a special fund of the State
10 Treasury to be known as the Illinois Standardbred Breeders
11 Fund. Beginning on June 28, 2019 (the effective date of Public
12 Act 101-31) ~~this amendatory Act of the 101st General Assembly,~~
13 the Illinois Standardbred Breeders Fund shall become a
14 non-appropriated trust fund held separate and apart from State
15 moneys. Expenditures from this Fund shall no longer be subject
16 to appropriation.

17 During the calendar year 1981, and each year thereafter,
18 except as provided in subsection (g) of Section 27 of this Act,
19 eight and one-half per cent of all the monies received by the
20 State as privilege taxes on harness racing meetings shall be
21 paid into the Illinois Standardbred Breeders Fund.

22 (e) Notwithstanding any provision of law to the contrary,
23 amounts deposited into the Illinois Standardbred Breeders Fund
24 from revenues generated by gaming pursuant to an organization
25 gaming license issued under the Illinois Gambling Act after
26 June 28, 2019 (the effective date of Public Act 101-31) ~~this~~

1 ~~amendatory Act of the 101st General Assembly~~ shall be in
2 addition to tax and fee amounts paid under this Section for
3 calendar year 2019 and thereafter. The Illinois Standardbred
4 Breeders Fund shall be administered by the Department of
5 Agriculture with the assistance and advice of the Advisory
6 Board created in subsection (f) of this Section.

7 (f) The Illinois Standardbred Breeders Fund Advisory Board
8 is hereby created. The Advisory Board shall consist of the
9 Director of the Department of Agriculture, who shall serve as
10 Chairman; the Superintendent of the Illinois State Fair; a
11 member of the Illinois Racing Board, designated by it; a
12 representative of the largest association of Illinois
13 standardbred owners and breeders, recommended by it; a
14 representative of a statewide association representing
15 agricultural fairs in Illinois, recommended by it, such
16 representative to be from a fair at which Illinois conceived
17 and foaled racing is conducted; a representative of the
18 organization licensees conducting harness racing meetings,
19 recommended by them; a representative of the Breeder's
20 Committee of the association representing the largest number of
21 standardbred owners, breeders, trainers, caretakers, and
22 drivers, recommended by it; and a representative of the
23 association representing the largest number of standardbred
24 owners, breeders, trainers, caretakers, and drivers,
25 recommended by it. Advisory Board members shall serve for 2
26 years commencing January 1 of each odd numbered year. If

1 representatives of the largest association of Illinois
2 standardbred owners and breeders, a statewide association of
3 agricultural fairs in Illinois, the association representing
4 the largest number of standardbred owners, breeders, trainers,
5 caretakers, and drivers, a member of the Breeder's Committee of
6 the association representing the largest number of
7 standardbred owners, breeders, trainers, caretakers, and
8 drivers, and the organization licensees conducting harness
9 racing meetings have not been recommended by January 1 of each
10 odd numbered year, the Director of the Department of
11 Agriculture shall make an appointment for the organization
12 failing to so recommend a member of the Advisory Board.
13 Advisory Board members shall receive no compensation for their
14 services as members but shall be reimbursed for all actual and
15 necessary expenses and disbursements incurred in the execution
16 of their official duties.

17 (g) Monies expended from the Illinois Standardbred
18 Breeders Fund shall be expended by the Department of
19 Agriculture, with the assistance and advice of the Illinois
20 Standardbred Breeders Fund Advisory Board for the following
21 purposes only:

22 1. To provide purses for races limited to Illinois
23 conceived and foaled horses at the State Fair and the
24 DuQuoin State Fair.

25 2. To provide purses for races limited to Illinois
26 conceived and foaled horses at county fairs.

1 3. To provide purse supplements for races limited to
2 Illinois conceived and foaled horses conducted by
3 associations conducting harness racing meetings.

4 4. No less than 75% of all monies in the Illinois
5 Standardbred Breeders Fund shall be expended for purses in
6 1, 2, and 3 as shown above.

7 5. In the discretion of the Department of Agriculture
8 to provide awards to harness breeders of Illinois conceived
9 and foaled horses which win races conducted by organization
10 licensees conducting harness racing meetings. A breeder is
11 the owner of a mare at the time of conception. No more than
12 10% of all monies appropriated from the Illinois
13 Standardbred Breeders Fund shall be expended for such
14 harness breeders awards. No more than 25% of the amount
15 expended for harness breeders awards shall be expended for
16 expenses incurred in the administration of such harness
17 breeders awards.

18 6. To pay for the improvement of racing facilities
19 located at the State Fair and County fairs.

20 7. To pay the expenses incurred in the administration
21 of the Illinois Standardbred Breeders Fund.

22 8. To promote the sport of harness racing, including
23 grants up to a maximum of \$7,500 per fair per year for
24 conducting pari-mutuel wagering during the advertised
25 dates of a county fair.

26 9. To pay up to \$50,000 annually for the Department of

1 Agriculture to conduct drug testing at county fairs racing
2 standardbred horses.

3 (h) The Illinois Standardbred Breeders Fund is not subject
4 to administrative charges or chargebacks, including, but not
5 limited to, those authorized under Section 8h of the State
6 Finance Act.

7 (i) A sum equal to 13% of the first prize money of the
8 gross purse won by an Illinois conceived and foaled horse shall
9 be paid 50% by the organization licensee conducting the horse
10 race meeting to the breeder of such winning horse from the
11 organization licensee's account and 50% from the purse account
12 of the licensee. Such payment shall not reduce any award to the
13 owner of the horse or reduce the taxes payable under this Act.
14 Such payment shall be delivered by the organization licensee at
15 the end of each quarter.

16 (j) The Department of Agriculture shall, by rule, with the
17 assistance and advice of the Illinois Standardbred Breeders
18 Fund Advisory Board:

19 1. Qualify stallions for Illinois Standardbred
20 Breeders Fund breeding; such stallion shall be owned by a
21 resident of the State of Illinois or by an Illinois
22 corporation all of whose shareholders, directors, officers
23 and incorporators are residents of the State of Illinois.
24 Such stallion shall stand for service at and within the
25 State of Illinois at the time of a foal's conception, and
26 such stallion must not stand for service at any place, nor

1 may semen from such stallion be transported, outside the
2 State of Illinois during that calendar year in which the
3 foal is conceived and that the owner of the stallion was
4 for the 12 months prior, a resident of Illinois. However,
5 from January 1, 2018 until January 1, 2022, semen from an
6 Illinois stallion may be transported outside the State of
7 Illinois. The articles of agreement of any partnership,
8 joint venture, limited partnership, syndicate, association
9 or corporation and any bylaws and stock certificates must
10 contain a restriction that provides that the ownership or
11 transfer of interest by any one of the persons a party to
12 the agreement can only be made to a person who qualifies as
13 an Illinois resident.

14 2. Provide for the registration of Illinois conceived
15 and foaled horses and no such horse shall compete in the
16 races limited to Illinois conceived and foaled horses
17 unless registered with the Department of Agriculture. The
18 Department of Agriculture may prescribe such forms as may
19 be necessary to determine the eligibility of such horses.
20 No person shall knowingly prepare or cause preparation of
21 an application for registration of such foals containing
22 false information. A mare (dam) must be in the State at
23 least 30 days prior to foaling or remain in the State at
24 least 30 days at the time of foaling. However, the
25 requirement that a mare (dam) must be in the State at least
26 30 days before foaling or remain in the State at least 30

1 days at the time of foaling shall not be in effect from
2 January 1, 2018 until January 1, 2022. Beginning with the
3 1996 breeding season and for foals of 1997 and thereafter,
4 a foal conceived by transported semen may be eligible for
5 Illinois conceived and foaled registration provided all
6 breeding and foaling requirements are met. The stallion
7 must be qualified for Illinois Standardbred Breeders Fund
8 breeding at the time of conception and the mare must be
9 inseminated within the State of Illinois. The foal must be
10 dropped in Illinois and properly registered with the
11 Department of Agriculture in accordance with this Act.
12 However, from January 1, 2018 until January 1, 2022, the
13 requirement for a mare to be inseminated within the State
14 of Illinois and the requirement for a foal to be dropped in
15 Illinois are inapplicable.

16 3. Provide that at least a 5-day racing program shall
17 be conducted at the State Fair each year, unless an
18 alternate racing program is requested by the Illinois
19 Standardbred Breeders Fund Advisory Board, which program
20 shall include at least the following races limited to
21 Illinois conceived and foaled horses: (a) a 2-year-old ~~two~~
22 ~~year-old~~ Trot and Pace, and Filly Division of each; (b) a
23 3-year-old ~~three-year-old~~ Trot and Pace, and Filly Division
24 of each; (c) an aged Trot and Pace, and Mare Division of
25 each.

26 4. Provide for the payment of nominating, sustaining

1 and starting fees for races promoting the sport of harness
2 racing and for the races to be conducted at the State Fair
3 as provided in subsection (j) 3 of this Section provided
4 that the nominating, sustaining and starting payment
5 required from an entrant shall not exceed 2% of the purse
6 of such race. All nominating, sustaining and starting
7 payments shall be held for the benefit of entrants and
8 shall be paid out as part of the respective purses for such
9 races. Nominating, sustaining and starting fees shall be
10 held in trust accounts for the purposes as set forth in
11 this Act and in accordance with Section 205-15 of the
12 Department of Agriculture Law.

13 5. Provide for the registration with the Department of
14 Agriculture of Colt Associations or county fairs desiring
15 to sponsor races at county fairs.

16 6. Provide for the promotion of producing standardbred
17 racehorses by providing a bonus award program for owners of
18 2-year-old horses that win multiple major stakes races that
19 are limited to Illinois conceived and foaled horses.

20 (k) The Department of Agriculture, with the advice and
21 assistance of the Illinois Standardbred Breeders Fund Advisory
22 Board, may allocate monies for purse supplements for such
23 races. In determining whether to allocate money and the amount,
24 the Department of Agriculture shall consider factors,
25 including, but not limited to, the amount of money appropriated
26 for the Illinois Standardbred Breeders Fund program, the number

1 of races that may occur, and an organization licensee's purse
2 structure. The organization licensee shall notify the
3 Department of Agriculture of the conditions and minimum purses
4 for races limited to Illinois conceived and foaled horses to be
5 conducted by each organization licensee conducting a harness
6 racing meeting for which purse supplements have been
7 negotiated.

8 (l) All races held at county fairs and the State Fair which
9 receive funds from the Illinois Standardbred Breeders Fund
10 shall be conducted in accordance with the rules of the United
11 States Trotting Association unless otherwise modified by the
12 Department of Agriculture.

13 (m) At all standardbred race meetings held or conducted
14 under authority of a license granted by the Board, and at all
15 standardbred races held at county fairs which are approved by
16 the Department of Agriculture or at the Illinois or DuQuoin
17 State Fairs, no one shall jog, train, warm up or drive a
18 standardbred horse unless he or she is wearing a protective
19 safety helmet, with the chin strap fastened and in place, which
20 meets the standards and requirements as set forth in the 1984
21 Standard for Protective Headgear for Use in Harness Racing and
22 Other Equestrian Sports published by the Snell Memorial
23 Foundation, or any standards and requirements for headgear the
24 Illinois Racing Board may approve. Any other standards and
25 requirements so approved by the Board shall equal or exceed
26 those published by the Snell Memorial Foundation. Any

1 equestrian helmet bearing the Snell label shall be deemed to
2 have met those standards and requirements.

3 (Source: P.A. 100-777, eff. 8-10-18; 101-31, eff. 6-28-19;
4 101-157, eff. 7-26-19; revised 9-27-19.)

5 Section 500. The Illinois Gambling Act is amended by
6 changing Sections 7 and 13 as follows:

7 (230 ILCS 10/7) (from Ch. 120, par. 2407)

8 Sec. 7. Owners licenses.

9 (a) The Board shall issue owners licenses to persons or
10 entities that apply for such licenses upon payment to the Board
11 of the non-refundable license fee as provided in subsection (e)
12 or (e-5) and upon a determination by the Board that the
13 applicant is eligible for an owners license pursuant to this
14 Act and the rules of the Board. From the effective date of this
15 amendatory Act of the 95th General Assembly until (i) 3 years
16 after the effective date of this amendatory Act of the 95th
17 General Assembly, (ii) the date any organization licensee
18 begins to operate a slot machine or video game of chance under
19 the Illinois Horse Racing Act of 1975 or this Act, (iii) the
20 date that payments begin under subsection (c-5) of Section 13
21 of this ~~the~~ Act, (iv) the wagering tax imposed under Section 13
22 of this Act is increased by law to reflect a tax rate that is at
23 least as stringent or more stringent than the tax rate
24 contained in subsection (a-3) of Section 13, or (v) when an

1 owners licensee holding a license issued pursuant to Section
2 7.1 of this Act begins conducting gaming, whichever occurs
3 first, as a condition of licensure and as an alternative source
4 of payment for those funds payable under subsection (c-5) of
5 Section 13 of this Act, any owners licensee that holds or
6 receives its owners license on or after the effective date of
7 this amendatory Act of the 94th General Assembly, other than an
8 owners licensee operating a riverboat with adjusted gross
9 receipts in calendar year 2004 of less than \$200,000,000, must
10 pay into the Horse Racing Equity Trust Fund, in addition to any
11 other payments required under this Act, an amount equal to 3%
12 of the adjusted gross receipts received by the owners licensee.
13 The payments required under this Section shall be made by the
14 owners licensee to the State Treasurer no later than 3:00
15 o'clock p.m. of the day after the day when the adjusted gross
16 receipts were received by the owners licensee. A person or
17 entity is ineligible to receive an owners license if:

18 (1) the person has been convicted of a felony under the
19 laws of this State, any other state, or the United States;

20 (2) the person has been convicted of any violation of
21 Article 28 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, or substantially similar laws of any other
23 jurisdiction;

24 (3) the person has submitted an application for a
25 license under this Act which contains false information;

26 (4) the person is a member of the Board;

1 (5) a person defined in (1), (2), (3) or (4) is an
2 officer, director or managerial employee of the entity;

3 (6) the entity employs a person defined in (1), (2),
4 (3) or (4) who participates in the management or operation
5 of gambling operations authorized under this Act;

6 (7) (blank); or

7 (8) a license of the person or entity issued under this
8 Act, or a license to own or operate gambling facilities in
9 any other jurisdiction, has been revoked.

10 The Board is expressly prohibited from making changes to
11 the requirement that licensees make payment into the Horse
12 Racing Equity Trust Fund without the express authority of the
13 Illinois General Assembly and making any other rule to
14 implement or interpret this amendatory Act of the 95th General
15 Assembly. For the purposes of this paragraph, "rules" is given
16 the meaning given to that term in Section 1-70 of the Illinois
17 Administrative Procedure Act.

18 (b) In determining whether to grant an owners license to an
19 applicant, the Board shall consider:

20 (1) the character, reputation, experience and
21 financial integrity of the applicants and of any other or
22 separate person that either:

23 (A) controls, directly or indirectly, such
24 applicant, or

25 (B) is controlled, directly or indirectly, by such
26 applicant or by a person which controls, directly or

1 indirectly, such applicant;

2 (2) the facilities or proposed facilities for the
3 conduct of gambling;

4 (3) the highest prospective total revenue to be derived
5 by the State from the conduct of gambling;

6 (4) the extent to which the ownership of the applicant
7 reflects the diversity of the State by including minority
8 persons, women, and persons with a disability and the good
9 faith affirmative action plan of each applicant to recruit,
10 train and upgrade minority persons, women, and persons with
11 a disability in all employment classifications; the Board
12 shall further consider granting an owners license and
13 giving preference to an applicant under this Section to
14 applicants in which minority persons and women hold
15 ownership interest of at least 16% and 4%, respectively.

16 (4.5) the extent to which the ownership of the
17 applicant includes veterans of service in the armed forces
18 of the United States, and the good faith affirmative action
19 plan of each applicant to recruit, train, and upgrade
20 veterans of service in the armed forces of the United
21 States in all employment classifications;

22 (5) the financial ability of the applicant to purchase
23 and maintain adequate liability and casualty insurance;

24 (6) whether the applicant has adequate capitalization
25 to provide and maintain, for the duration of a license, a
26 riverboat or casino;

1 (7) the extent to which the applicant exceeds or meets
2 other standards for the issuance of an owners license which
3 the Board may adopt by rule;

4 (8) the amount of the applicant's license bid;

5 (9) the extent to which the applicant or the proposed
6 host municipality plans to enter into revenue sharing
7 agreements with communities other than the host
8 municipality; and

9 (10) the extent to which the ownership of an applicant
10 includes the most qualified number of minority persons,
11 women, and persons with a disability.

12 (c) Each owners license shall specify the place where the
13 casino shall operate or the riverboat shall operate and dock.

14 (d) Each applicant shall submit with his or her
15 application, on forms provided by the Board, 2 sets of his or
16 her fingerprints.

17 (e) In addition to any licenses authorized under subsection
18 (e-5) of this Section, the Board may issue up to 10 licenses
19 authorizing the holders of such licenses to own riverboats. In
20 the application for an owners license, the applicant shall
21 state the dock at which the riverboat is based and the water on
22 which the riverboat will be located. The Board shall issue 5
23 licenses to become effective not earlier than January 1, 1991.
24 Three of such licenses shall authorize riverboat gambling on
25 the Mississippi River, or, with approval by the municipality in
26 which the riverboat was docked on August 7, 2003 and with Board

1 approval, be authorized to relocate to a new location, in a
2 municipality that (1) borders on the Mississippi River or is
3 within 5 miles of the city limits of a municipality that
4 borders on the Mississippi River and (2) ~~7~~ on August 7, 2003,
5 had a riverboat conducting riverboat gambling operations
6 pursuant to a license issued under this Act; one of which shall
7 authorize riverboat gambling from a home dock in the city of
8 East St. Louis; and one of which shall authorize riverboat
9 gambling from a home dock in the City of Alton. One other
10 license shall authorize riverboat gambling on the Illinois
11 River in the City of East Peoria or, with Board approval, shall
12 authorize land-based gambling operations anywhere within the
13 corporate limits of the City of Peoria. The Board shall issue
14 one additional license to become effective not earlier than
15 March 1, 1992, which shall authorize riverboat gambling on the
16 Des Plaines River in Will County. The Board may issue 4
17 additional licenses to become effective not earlier than March
18 1, 1992. In determining the water upon which riverboats will
19 operate, the Board shall consider the economic benefit which
20 riverboat gambling confers on the State, and shall seek to
21 assure that all regions of the State share in the economic
22 benefits of riverboat gambling.

23 In granting all licenses, the Board may give favorable
24 consideration to economically depressed areas of the State, to
25 applicants presenting plans which provide for significant
26 economic development over a large geographic area, and to

1 applicants who currently operate non-gambling riverboats in
2 Illinois. The Board shall review all applications for owners
3 licenses, and shall inform each applicant of the Board's
4 decision. The Board may grant an owners license to an applicant
5 that has not submitted the highest license bid, but if it does
6 not select the highest bidder, the Board shall issue a written
7 decision explaining why another applicant was selected and
8 identifying the factors set forth in this Section that favored
9 the winning bidder. The fee for issuance or renewal of a
10 license pursuant to this subsection (e) shall be \$250,000.

11 (e-5) In addition to licenses authorized under subsection
12 (e) of this Section:

13 (1) the Board may issue one owners license authorizing
14 the conduct of casino gambling in the City of Chicago;

15 (2) the Board may issue one owners license authorizing
16 the conduct of riverboat gambling in the City of Danville;

17 (3) the Board may issue one owners license authorizing
18 the conduct of riverboat gambling ~~located~~ in the City of
19 Waukegan;

20 (4) the Board may issue one owners license authorizing
21 the conduct of riverboat gambling in the City of Rockford;

22 (5) the Board may issue one owners license authorizing
23 the conduct of riverboat gambling in a municipality that is
24 wholly or partially located in one of the following
25 townships of Cook County: Bloom, Bremen, Calumet, Rich,
26 Thornton, or Worth Township; and

1 (6) the Board may issue one owners license authorizing
2 the conduct of riverboat gambling in the unincorporated
3 area of Williamson County adjacent to the Big Muddy River.

4 Except for the license authorized under paragraph (1), each
5 application for a license pursuant to this subsection (e-5)
6 shall be submitted to the Board no later than 120 days after
7 June 28, 2019 (the effective date of Public Act 101-31) ~~this~~
8 ~~amendatory Act of the 101st General Assembly~~. All applications
9 for a license under this subsection (e-5) shall include the
10 nonrefundable application fee and the nonrefundable background
11 investigation fee as provided in subsection (d) of Section 6 of
12 this Act. In the event that an applicant submits an application
13 for a license pursuant to this subsection (e-5) prior to June
14 28, 2019 (the effective date of Public Act 101-31) ~~this~~
15 ~~amendatory Act of the 101st General Assembly~~, such applicant
16 shall submit the nonrefundable application fee and background
17 investigation fee as provided in subsection (d) of Section 6 of
18 this Act no later than 6 months after June 28, 2019 (the
19 effective date of Public Act 101-31) ~~this amendatory Act of the~~
20 ~~101st General Assembly~~.

21 The Board shall consider issuing a license pursuant to
22 paragraphs (1) through (6) of this subsection only after the
23 corporate authority of the municipality or the county board of
24 the county in which the riverboat or casino shall be located
25 has certified to the Board the following:

26 (i) that the applicant has negotiated with the

1 corporate authority or county board in good faith;

2 (ii) that the applicant and the corporate authority or
3 county board have mutually agreed on the permanent location
4 of the riverboat or casino;

5 (iii) that the applicant and the corporate authority or
6 county board have mutually agreed on the temporary location
7 of the riverboat or casino;

8 (iv) that the applicant and the corporate authority or
9 the county board have mutually agreed on the percentage of
10 revenues that will be shared with the municipality or
11 county, if any;

12 (v) that the applicant and the corporate authority or
13 county board have mutually agreed on any zoning, licensing,
14 public health, or other issues that are within the
15 jurisdiction of the municipality or county; and

16 (vi) that the corporate authority or county board has
17 passed a resolution or ordinance in support of the
18 riverboat or casino in the municipality or county.

19 At least 7 days before the corporate authority of a
20 municipality or county board of the county submits a
21 certification to the Board concerning items (i) through (vi) of
22 this subsection, it shall hold a public hearing to discuss
23 items (i) through (vi), as well as any other details concerning
24 the proposed riverboat or casino in the municipality or county.
25 The corporate authority or county board must subsequently
26 memorialize the details concerning the proposed riverboat or

1 casino in a resolution that must be adopted by a majority of
2 the corporate authority or county board before any
3 certification is sent to the Board. The Board shall not alter,
4 amend, change, or otherwise interfere with any agreement
5 between the applicant and the corporate authority of the
6 municipality or county board of the county regarding the
7 location of any temporary or permanent facility.

8 In addition, within 10 days after June 28, 2019 (the
9 effective date of Public Act 101-31) ~~this amendatory Act of the~~
10 ~~101st General Assembly~~, the Board, with consent and at the
11 expense of the City of Chicago, shall select and retain the
12 services of a nationally recognized casino gaming feasibility
13 consultant. Within 45 days after June 28, 2019 (the effective
14 date of Public Act 101-31) ~~this amendatory Act of the 101st~~
15 ~~General Assembly~~, the consultant shall prepare and deliver to
16 the Board a study concerning the feasibility of, and the
17 ability to finance, a casino in the City of Chicago. The
18 feasibility study shall be delivered to the Mayor of the City
19 of Chicago, the Governor, the President of the Senate, and the
20 Speaker of the House of Representatives. Ninety days after
21 receipt of the feasibility study, the Board shall make a
22 determination, based on the results of the feasibility study,
23 whether to recommend to the General Assembly that the terms of
24 the license under paragraph (1) of this subsection (e-5) should
25 be modified. The Board may begin accepting applications for the
26 owners license under paragraph (1) of this subsection (e-5)

1 upon the determination to issue such an owners license.

2 In addition, prior to the Board issuing the owners license
3 authorized under paragraph (4) of subsection (e-5), an impact
4 study shall be completed to determine what location in the city
5 will provide the greater impact to the region, including the
6 creation of jobs and the generation of tax revenue.

7 (e-10) The licenses authorized under subsection (e-5) of
8 this Section shall be issued within 12 months after the date
9 the license application is submitted. If the Board does not
10 issue the licenses within that time period, then the Board
11 shall give a written explanation to the applicant as to why it
12 has not reached a determination and when it reasonably expects
13 to make a determination. The fee for the issuance or renewal of
14 a license issued pursuant to this subsection (e-10) shall be
15 \$250,000. Additionally, a licensee located outside of Cook
16 County shall pay a minimum initial fee of \$17,500 per gaming
17 position, and a licensee located in Cook County shall pay a
18 minimum initial fee of \$30,000 per gaming position. The initial
19 fees payable under this subsection (e-10) shall be deposited
20 into the Rebuild Illinois Projects Fund.

21 (e-15) Each licensee of a license authorized under
22 subsection (e-5) of this Section shall make a reconciliation
23 payment 3 years after the date the licensee begins operating in
24 an amount equal to 75% of the adjusted gross receipts for the
25 most lucrative 12-month period of operations, minus an amount
26 equal to the initial payment per gaming position paid by the

1 specific licensee. Each licensee shall pay a \$15,000,000
2 reconciliation fee upon issuance of an owners license. If this
3 calculation results in a negative amount, then the licensee is
4 not entitled to any reimbursement of fees previously paid. This
5 reconciliation payment may be made in installments over a
6 period of no more than 2 years, subject to Board approval. Any
7 installment payments shall include an annual market interest
8 rate as determined by the Board. All payments by licensees
9 under this subsection (e-15) shall be deposited into the
10 Rebuild Illinois Projects Fund.

11 (e-20) In addition to any other revocation powers granted
12 to the Board under this Act, the Board may revoke the owners
13 license of a licensee which fails to begin conducting gambling
14 within 15 months of receipt of the Board's approval of the
15 application if the Board determines that license revocation is
16 in the best interests of the State.

17 (f) The first 10 owners licenses issued under this Act
18 shall permit the holder to own up to 2 riverboats and equipment
19 thereon for a period of 3 years after the effective date of the
20 license. Holders of the first 10 owners licenses must pay the
21 annual license fee for each of the 3 years during which they
22 are authorized to own riverboats.

23 (g) Upon the termination, expiration, or revocation of each
24 of the first 10 licenses, which shall be issued for a 3-year ~~3~~
25 ~~year~~ period, all licenses are renewable annually upon payment
26 of the fee and a determination by the Board that the licensee

1 continues to meet all of the requirements of this Act and the
2 Board's rules. However, for licenses renewed on or after May 1,
3 1998, renewal shall be for a period of 4 years, unless the
4 Board sets a shorter period.

5 (h) An owners license, except for an owners license issued
6 under subsection (e-5) of this Section, shall entitle the
7 licensee to own up to 2 riverboats.

8 An owners licensee of a casino or riverboat that is located
9 in the City of Chicago pursuant to paragraph (1) of subsection
10 (e-5) of this Section shall limit the number of gaming
11 positions to 4,000 for such owner. An owners licensee
12 authorized under subsection (e) or paragraph (2), (3), (4), or
13 (5) of subsection (e-5) of this Section shall limit the number
14 of gaming positions to 2,000 for any such owners license. An
15 owners licensee authorized under paragraph (6) of subsection
16 (e-5) of this Section shall limit the number of gaming
17 positions to 1,200 for such owner. The initial fee for each
18 gaming position obtained on or after June 28, 2019 (the
19 effective date of Public Act 101-31) ~~this amendatory Act of the~~
20 ~~101st General Assembly~~ shall be a minimum of \$17,500 for
21 licensees not located in Cook County and a minimum of \$30,000
22 for licensees located in Cook County, in addition to the
23 reconciliation payment, as set forth in subsection (e-15) of
24 this Section. The fees under this subsection (h) shall be
25 deposited into the Rebuild Illinois Projects Fund. The fees
26 under this subsection (h) that are paid by an owners licensee

1 authorized under subsection (e) shall be paid by July 1, 2020.

2 Each owners licensee under subsection (e) of this Section
3 shall reserve its gaming positions within 30 days after June
4 28, 2019 (the effective date of Public Act 101-31) ~~this~~
5 ~~amendatory Act of the 101st General Assembly~~. The Board may
6 grant an extension to this 30-day period, provided that the
7 owners licensee submits a written request and explanation as to
8 why it is unable to reserve its positions within the 30-day
9 period.

10 Each owners licensee under subsection (e-5) of this Section
11 shall reserve its gaming positions within 30 days after
12 issuance of its owners license. The Board may grant an
13 extension to this 30-day period, provided that the owners
14 licensee submits a written request and explanation as to why it
15 is unable to reserve its positions within the 30-day period.

16 A licensee may operate both of its riverboats concurrently,
17 provided that the total number of gaming positions on both
18 riverboats does not exceed the limit established pursuant to
19 this subsection. Riverboats licensed to operate on the
20 Mississippi River and the Illinois River south of Marshall
21 County shall have an authorized capacity of at least 500
22 persons. Any other riverboat licensed under this Act shall have
23 an authorized capacity of at least 400 persons.

24 (h-5) An owners licensee who conducted gambling operations
25 prior to January 1, 2012 and obtains positions pursuant to
26 Public Act 101-31 ~~this amendatory Act of the 101st General~~

1 ~~Assembly~~ shall make a reconciliation payment 3 years after any
2 additional gaming positions begin operating in an amount equal
3 to 75% of the owners licensee's average gross receipts for the
4 most lucrative 12-month period of operations minus an amount
5 equal to the initial fee that the owners licensee paid per
6 additional gaming position. For purposes of this subsection
7 (h-5), "average gross receipts" means (i) the increase in
8 adjusted gross receipts for the most lucrative 12-month period
9 of operations over the adjusted gross receipts for 2019,
10 multiplied by (ii) the percentage derived by dividing the
11 number of additional gaming positions that an owners licensee
12 had obtained by the total number of gaming positions operated
13 by the owners licensee. If this calculation results in a
14 negative amount, then the owners licensee is not entitled to
15 any reimbursement of fees previously paid. This reconciliation
16 payment may be made in installments over a period of no more
17 than 2 years, subject to Board approval. Any installment
18 payments shall include an annual market interest rate as
19 determined by the Board. These reconciliation payments shall be
20 deposited into the Rebuild Illinois Projects Fund.

21 (i) A licensed owner is authorized to apply to the Board
22 for and, if approved therefor, to receive all licenses from the
23 Board necessary for the operation of a riverboat or casino,
24 including a liquor license, a license to prepare and serve food
25 for human consumption, and other necessary licenses. All use,
26 occupation, and excise taxes which apply to the sale of food

1 and beverages in this State and all taxes imposed on the sale
2 or use of tangible personal property apply to such sales aboard
3 the riverboat or in the casino.

4 (j) The Board may issue or re-issue a license authorizing a
5 riverboat to dock in a municipality or approve a relocation
6 under Section 11.2 only if, prior to the issuance or
7 re-issuance of the license or approval, the governing body of
8 the municipality in which the riverboat will dock has by a
9 majority vote approved the docking of riverboats in the
10 municipality. The Board may issue or re-issue a license
11 authorizing a riverboat to dock in areas of a county outside
12 any municipality or approve a relocation under Section 11.2
13 only if, prior to the issuance or re-issuance of the license or
14 approval, the governing body of the county has by a majority
15 vote approved of the docking of riverboats within such areas.

16 (k) An owners licensee may conduct land-based gambling
17 operations upon approval by the Board and payment of a fee of
18 \$250,000, which shall be deposited into the State Gaming Fund.

19 (l) An owners licensee may conduct gaming at a temporary
20 facility pending the construction of a permanent facility or
21 the remodeling or relocation of an existing facility to
22 accommodate gaming participants for up to 24 months after the
23 temporary facility begins to conduct gaming. Upon request by an
24 owners licensee and upon a showing of good cause by the owners
25 licensee, the Board shall extend the period during which the
26 licensee may conduct gaming at a temporary facility by up to 12

1 months. The Board shall make rules concerning the conduct of
2 gaming from temporary facilities.

3 (Source: P.A. 100-391, eff. 8-25-17; 100-1152, eff. 12-14-18;
4 101-31, eff. 6-28-19; revised 9-20-19.)

5 (230 ILCS 10/13) (from Ch. 120, par. 2413)

6 Sec. 13. Wagering tax; rate; distribution.

7 (a) Until January 1, 1998, a tax is imposed on the adjusted
8 gross receipts received from gambling games authorized under
9 this Act at the rate of 20%.

10 (a-1) From January 1, 1998 until July 1, 2002, a privilege
11 tax is imposed on persons engaged in the business of conducting
12 riverboat gambling operations, based on the adjusted gross
13 receipts received by a licensed owner from gambling games
14 authorized under this Act at the following rates:

15 15% of annual adjusted gross receipts up to and
16 including \$25,000,000;

17 20% of annual adjusted gross receipts in excess of
18 \$25,000,000 but not exceeding \$50,000,000;

19 25% of annual adjusted gross receipts in excess of
20 \$50,000,000 but not exceeding \$75,000,000;

21 30% of annual adjusted gross receipts in excess of
22 \$75,000,000 but not exceeding \$100,000,000;

23 35% of annual adjusted gross receipts in excess of
24 \$100,000,000.

25 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax

1 is imposed on persons engaged in the business of conducting
2 riverboat gambling operations, other than licensed managers
3 conducting riverboat gambling operations on behalf of the
4 State, based on the adjusted gross receipts received by a
5 licensed owner from gambling games authorized under this Act at
6 the following rates:

7 15% of annual adjusted gross receipts up to and
8 including \$25,000,000;

9 22.5% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 27.5% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 32.5% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 37.5% of annual adjusted gross receipts in excess of
16 \$100,000,000 but not exceeding \$150,000,000;

17 45% of annual adjusted gross receipts in excess of
18 \$150,000,000 but not exceeding \$200,000,000;

19 50% of annual adjusted gross receipts in excess of
20 \$200,000,000.

21 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
22 persons engaged in the business of conducting riverboat
23 gambling operations, other than licensed managers conducting
24 riverboat gambling operations on behalf of the State, based on
25 the adjusted gross receipts received by a licensed owner from
26 gambling games authorized under this Act at the following

1 rates:

2 15% of annual adjusted gross receipts up to and
3 including \$25,000,000;

4 27.5% of annual adjusted gross receipts in excess of
5 \$25,000,000 but not exceeding \$37,500,000;

6 32.5% of annual adjusted gross receipts in excess of
7 \$37,500,000 but not exceeding \$50,000,000;

8 37.5% of annual adjusted gross receipts in excess of
9 \$50,000,000 but not exceeding \$75,000,000;

10 45% of annual adjusted gross receipts in excess of
11 \$75,000,000 but not exceeding \$100,000,000;

12 50% of annual adjusted gross receipts in excess of
13 \$100,000,000 but not exceeding \$250,000,000;

14 70% of annual adjusted gross receipts in excess of
15 \$250,000,000.

16 An amount equal to the amount of wagering taxes collected
17 under this subsection (a-3) that are in addition to the amount
18 of wagering taxes that would have been collected if the
19 wagering tax rates under subsection (a-2) were in effect shall
20 be paid into the Common School Fund.

21 The privilege tax imposed under this subsection (a-3) shall
22 no longer be imposed beginning on the earlier of (i) July 1,
23 2005; (ii) the first date after June 20, 2003 that riverboat
24 gambling operations are conducted pursuant to a dormant
25 license; or (iii) the first day that riverboat gambling
26 operations are conducted under the authority of an owners

1 license that is in addition to the 10 owners licenses initially
2 authorized under this Act. For the purposes of this subsection
3 (a-3), the term "dormant license" means an owners license that
4 is authorized by this Act under which no riverboat gambling
5 operations are being conducted on June 20, 2003.

6 (a-4) Beginning on the first day on which the tax imposed
7 under subsection (a-3) is no longer imposed and ending upon the
8 imposition of the privilege tax under subsection (a-5) of this
9 Section, a privilege tax is imposed on persons engaged in the
10 business of conducting gambling operations, other than
11 licensed managers conducting riverboat gambling operations on
12 behalf of the State, based on the adjusted gross receipts
13 received by a licensed owner from gambling games authorized
14 under this Act at the following rates:

15 15% of annual adjusted gross receipts up to and
16 including \$25,000,000;

17 22.5% of annual adjusted gross receipts in excess of
18 \$25,000,000 but not exceeding \$50,000,000;

19 27.5% of annual adjusted gross receipts in excess of
20 \$50,000,000 but not exceeding \$75,000,000;

21 32.5% of annual adjusted gross receipts in excess of
22 \$75,000,000 but not exceeding \$100,000,000;

23 37.5% of annual adjusted gross receipts in excess of
24 \$100,000,000 but not exceeding \$150,000,000;

25 45% of annual adjusted gross receipts in excess of
26 \$150,000,000 but not exceeding \$200,000,000;

1 50% of annual adjusted gross receipts in excess of
2 \$200,000,000.

3 For the imposition of the privilege tax in this subsection
4 (a-4), amounts paid pursuant to item (1) of subsection (b) of
5 Section 56 of the Illinois Horse Racing Act of 1975 shall not
6 be included in the determination of adjusted gross receipts.

7 (a-5) Beginning on the first day that an owners licensee
8 under paragraph (1), (2), (3), (4), (5), or (6) of subsection
9 (e-5) of Section 7 conducts gambling operations, either in a
10 temporary facility or a permanent facility, a privilege tax is
11 imposed on persons engaged in the business of conducting
12 gambling operations, other than licensed managers conducting
13 riverboat gambling operations on behalf of the State, based on
14 the adjusted gross receipts received by such licensee from the
15 gambling games authorized under this Act. The privilege tax for
16 all gambling games other than table games, including, but not
17 limited to, slot machines, video game of chance gambling, and
18 electronic gambling games shall be at the following rates:

19 15% of annual adjusted gross receipts up to and
20 including \$25,000,000;

21 22.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of
26 \$75,000,000 but not exceeding \$100,000,000;

1 37.5% of annual adjusted gross receipts in excess of
2 \$100,000,000 but not exceeding \$150,000,000;

3 45% of annual adjusted gross receipts in excess of
4 \$150,000,000 but not exceeding \$200,000,000;

5 50% of annual adjusted gross receipts in excess of
6 \$200,000,000.

7 The privilege tax for table games shall be at the following
8 rates:

9 15% of annual adjusted gross receipts up to and
10 including \$25,000,000;

11 20% of annual adjusted gross receipts in excess of
12 \$25,000,000.

13 For the imposition of the privilege tax in this subsection
14 (a-5), amounts paid pursuant to item (1) of subsection (b) of
15 Section 56 of the Illinois Horse Racing Act of 1975 shall not
16 be included in the determination of adjusted gross receipts.

17 Notwithstanding the provisions of this subsection (a-5),
18 for the first 10 years that the privilege tax is imposed under
19 this subsection (a-5), the privilege tax shall be imposed on
20 the modified annual adjusted gross receipts of a riverboat or
21 casino conducting gambling operations in the City of East St.
22 Louis, unless:

23 (1) the riverboat or casino fails to employ at least
24 450 people;

25 (2) the riverboat or casino fails to maintain
26 operations in a manner consistent with this Act or is not a

1 viable riverboat or casino subject to the approval of the
2 Board; or

3 (3) the owners licensee is not an entity in which
4 employees participate in an employee stock ownership plan.

5 As used in this subsection (a-5), "modified annual adjusted
6 gross receipts" means:

7 (A) for calendar year 2020, the annual adjusted gross
8 receipts for the current year minus the difference between
9 an amount equal to the average annual adjusted gross
10 receipts from a riverboat or casino conducting gambling
11 operations in the City of East St. Louis for 2014, 2015,
12 2016, 2017, and 2018 and the annual adjusted gross receipts
13 for 2018;

14 (B) for calendar year 2021, the annual adjusted gross
15 receipts for the current year minus the difference between
16 an amount equal to the average annual adjusted gross
17 receipts from a riverboat or casino conducting gambling
18 operations in the City of East St. Louis for 2014, 2015,
19 2016, 2017, and 2018 and the annual adjusted gross receipts
20 for 2019; and

21 (C) for calendar years 2022 through 2029, the annual
22 adjusted gross receipts for the current year minus the
23 difference between an amount equal to the average annual
24 adjusted gross receipts from a riverboat or casino
25 conducting gambling operations in the City of East St.
26 Louis for 3 years preceding the current year and the annual

1 adjusted gross receipts for the immediately preceding
2 year.

3 (a-5.5) In addition to the privilege tax imposed under
4 subsection (a-5), a privilege tax is imposed on the owners
5 licensee under paragraph (1) of subsection (e-5) of Section 7
6 at the rate of one-third of the owners licensee's adjusted
7 gross receipts.

8 For the imposition of the privilege tax in this subsection
9 (a-5.5), amounts paid pursuant to item (1) of subsection (b) of
10 Section 56 of the Illinois Horse Racing Act of 1975 shall not
11 be included in the determination of adjusted gross receipts.

12 (a-6) From June 28, 2019 (the effective date of Public Act
13 101-31) ~~this amendatory Act of the 101st General Assembly~~ until
14 June 30, 2023, an owners licensee that conducted gambling
15 operations prior to January 1, 2011 shall receive a
16 dollar-for-dollar credit against the tax imposed under this
17 Section for any renovation or construction costs paid by the
18 owners licensee, but in no event shall the credit exceed
19 \$2,000,000.

20 Additionally, from June 28, 2019 (the effective date of
21 Public Act 101-31) ~~this amendatory Act of the 101st General~~
22 ~~Assembly~~ until December 31, 2022, an owners licensee that (i)
23 is located within 15 miles of the Missouri border, and (ii) has
24 at least 3 riverboats, casinos, or their equivalent within a
25 45-mile radius, may be authorized to relocate to a new location
26 with the approval of both the unit of local government

1 designated as the home dock and the Board, so long as the new
2 location is within the same unit of local government and no
3 more than 3 miles away from its original location. Such owners
4 licensee shall receive a credit against the tax imposed under
5 this Section equal to 8% of the total project costs, as
6 approved by the Board, for any renovation or construction costs
7 paid by the owners licensee for the construction of the new
8 facility, provided that the new facility is operational by July
9 1, 2022. In determining whether or not to approve a relocation,
10 the Board must consider the extent to which the relocation will
11 diminish the gaming revenues received by other Illinois gaming
12 facilities.

13 (a-7) Beginning in the initial adjustment year and through
14 the final adjustment year, if the total obligation imposed
15 pursuant to either subsection (a-5) or (a-6) will result in an
16 owners licensee receiving less after-tax adjusted gross
17 receipts than it received in calendar year 2018, then the total
18 amount of privilege taxes that the owners licensee is required
19 to pay for that calendar year shall be reduced to the extent
20 necessary so that the after-tax adjusted gross receipts in that
21 calendar year equals the after-tax adjusted gross receipts in
22 calendar year 2018, but the privilege tax reduction shall not
23 exceed the annual adjustment cap. If pursuant to this
24 subsection (a-7), the total obligation imposed pursuant to
25 either subsection (a-5) or (a-6) shall be reduced, then the
26 owners licensee shall not receive a refund from the State at

1 the end of the subject calendar year but instead shall be able
2 to apply that amount as a credit against any payments it owes
3 to the State in the following calendar year to satisfy its
4 total obligation under either subsection (a-5) or (a-6). The
5 credit for the final adjustment year shall occur in the
6 calendar year following the final adjustment year.

7 If an owners licensee that conducted gambling operations
8 prior to January 1, 2019 expands its riverboat or casino,
9 including, but not limited to, with respect to its gaming
10 floor, additional non-gaming amenities such as restaurants,
11 bars, and hotels and other additional facilities, and incurs
12 construction and other costs related to such expansion from
13 June 28, 2019 (the effective date of Public Act 101-31) ~~this~~
14 ~~amendatory Act of the 101st General Assembly~~ until June 28,
15 2024 (the 5th anniversary of the effective date of Public Act
16 101-31) ~~this amendatory Act of the 101st General Assembly~~, then
17 for each \$15,000,000 spent for any such construction or other
18 costs related to expansion paid by the owners licensee, the
19 final adjustment year shall be extended by one year and the
20 annual adjustment cap shall increase by 0.2% of adjusted gross
21 receipts during each calendar year until and including the
22 final adjustment year. No further modifications to the final
23 adjustment year or annual adjustment cap shall be made after
24 \$75,000,000 is incurred in construction or other costs related
25 to expansion so that the final adjustment year shall not extend
26 beyond the 9th calendar year after the initial adjustment year,

1 not including the initial adjustment year, and the annual
2 adjustment cap shall not exceed 4% of adjusted gross receipts
3 in a particular calendar year. Construction and other costs
4 related to expansion shall include all project related costs,
5 including, but not limited to, all hard and soft costs,
6 financing costs, on or off-site ground, road or utility work,
7 cost of gaming equipment and all other personal property,
8 initial fees assessed for each incremental gaming position, and
9 the cost of incremental land acquired for such expansion. Soft
10 costs shall include, but not be limited to, legal fees,
11 architect, engineering and design costs, other consultant
12 costs, insurance cost, permitting costs, and pre-opening costs
13 related to the expansion, including, but not limited to, any of
14 the following: marketing, real estate taxes, personnel,
15 training, travel and out-of-pocket expenses, supply,
16 inventory, and other costs, and any other project related soft
17 costs.

18 To be eligible for the tax credits in subsection (a-6), all
19 construction contracts shall include a requirement that the
20 contractor enter into a project labor agreement with the
21 building and construction trades council with geographic
22 jurisdiction of the location of the proposed gaming facility.

23 Notwithstanding any other provision of this subsection
24 (a-7), this subsection (a-7) does not apply to an owners
25 licensee unless such owners licensee spends at least
26 \$15,000,000 on construction and other costs related to its

1 expansion, excluding the initial fees assessed for each
2 incremental gaming position.

3 This subsection (a-7) does not apply to owners licensees
4 authorized pursuant to subsection (e-5) of Section 7 of this
5 Act.

6 For purposes of this subsection (a-7):

7 "Building and construction trades council" means any
8 organization representing multiple construction entities that
9 are monitoring or attentive to compliance with public or
10 workers' safety laws, wage and hour requirements, or other
11 statutory requirements or that are making or maintaining
12 collective bargaining agreements.

13 "Initial adjustment year" means the year commencing on
14 January 1 of the calendar year immediately following the
15 earlier of the following:

16 (1) the commencement of gambling operations, either in
17 a temporary or permanent facility, with respect to the
18 owners license authorized under paragraph (1) of
19 subsection (e-5) of Section 7 of this Act; or

20 (2) June 28, 2021 (24 months after the effective date
21 of Public Act 101-31); ~~this amendatory Act of the 101st
22 General Assembly,~~

23 provided the initial adjustment year shall not commence earlier
24 than June 28, 2020 (12 months after the effective date of
25 Public Act 101-31) ~~this amendatory Act of the 101st General
26 Assembly.~~

1 "Final adjustment year" means the 2nd calendar year after
2 the initial adjustment year, not including the initial
3 adjustment year, and as may be extended further as described in
4 this subsection (a-7).

5 "Annual adjustment cap" means 3% of adjusted gross receipts
6 in a particular calendar year, and as may be increased further
7 as otherwise described in this subsection (a-7).

8 (a-8) Riverboat gambling operations conducted by a
9 licensed manager on behalf of the State are not subject to the
10 tax imposed under this Section.

11 (a-9) Beginning on January 1, 2020, the calculation of
12 gross receipts or adjusted gross receipts, for the purposes of
13 this Section, for a riverboat, a casino, or an organization
14 gaming facility shall not include the dollar amount of
15 non-cashable vouchers, coupons, and electronic promotions
16 redeemed by wagerers upon the riverboat, in the casino, or in
17 the organization gaming facility up to and including an amount
18 not to exceed 20% of a riverboat's, a casino's, or an
19 organization gaming facility's adjusted gross receipts.

20 The Illinois Gaming Board shall submit to the General
21 Assembly a comprehensive report no later than March 31, 2023
22 detailing, at a minimum, the effect of removing non-cashable
23 vouchers, coupons, and electronic promotions from this
24 calculation on net gaming revenues to the State in calendar
25 years 2020 through 2022, the increase or reduction in wagerers
26 as a result of removing non-cashable vouchers, coupons, and

1 electronic promotions from this calculation, the effect of the
2 tax rates in subsection (a-5) on net gaming revenues to this
3 State, and proposed modifications to the calculation.

4 (a-10) The taxes imposed by this Section shall be paid by
5 the licensed owner or the organization gaming licensee to the
6 Board not later than 5:00 o'clock p.m. of the day after the day
7 when the wagers were made.

8 (a-15) If the privilege tax imposed under subsection (a-3)
9 is no longer imposed pursuant to item (i) of the last paragraph
10 of subsection (a-3), then by June 15 of each year, each owners
11 licensee, other than an owners licensee that admitted 1,000,000
12 persons or fewer in calendar year 2004, must, in addition to
13 the payment of all amounts otherwise due under this Section,
14 pay to the Board a reconciliation payment in the amount, if
15 any, by which the licensed owner's base amount exceeds the
16 amount of net privilege tax paid by the licensed owner to the
17 Board in the then current State fiscal year. A licensed owner's
18 net privilege tax obligation due for the balance of the State
19 fiscal year shall be reduced up to the total of the amount paid
20 by the licensed owner in its June 15 reconciliation payment.
21 The obligation imposed by this subsection (a-15) is binding on
22 any person, firm, corporation, or other entity that acquires an
23 ownership interest in any such owners license. The obligation
24 imposed under this subsection (a-15) terminates on the earliest
25 of: (i) July 1, 2007, (ii) the first day after the effective
26 date of this amendatory Act of the 94th General Assembly that

1 riverboat gambling operations are conducted pursuant to a
2 dormant license, (iii) the first day that riverboat gambling
3 operations are conducted under the authority of an owners
4 license that is in addition to the 10 owners licenses initially
5 authorized under this Act, or (iv) the first day that a
6 licensee under the Illinois Horse Racing Act of 1975 conducts
7 gaming operations with slot machines or other electronic gaming
8 devices. The Board must reduce the obligation imposed under
9 this subsection (a-15) by an amount the Board deems reasonable
10 for any of the following reasons: (A) an act or acts of God,
11 (B) an act of bioterrorism or terrorism or a bioterrorism or
12 terrorism threat that was investigated by a law enforcement
13 agency, or (C) a condition beyond the control of the owners
14 licensee that does not result from any act or omission by the
15 owners licensee or any of its agents and that poses a hazardous
16 threat to the health and safety of patrons. If an owners
17 licensee pays an amount in excess of its liability under this
18 Section, the Board shall apply the overpayment to future
19 payments required under this Section.

20 For purposes of this subsection (a-15):

21 "Act of God" means an incident caused by the operation of
22 an extraordinary force that cannot be foreseen, that cannot be
23 avoided by the exercise of due care, and for which no person
24 can be held liable.

25 "Base amount" means the following:

26 For a riverboat in Alton, \$31,000,000.

- 1 For a riverboat in East Peoria, \$43,000,000.
2 For the Empress riverboat in Joliet, \$86,000,000.
3 For a riverboat in Metropolis, \$45,000,000.
4 For the Harrah's riverboat in Joliet, \$114,000,000.
5 For a riverboat in Aurora, \$86,000,000.
6 For a riverboat in East St. Louis, \$48,500,000.
7 For a riverboat in Elgin, \$198,000,000.

8 "Dormant license" has the meaning ascribed to it in
9 subsection (a-3).

10 "Net privilege tax" means all privilege taxes paid by a
11 licensed owner to the Board under this Section, less all
12 payments made from the State Gaming Fund pursuant to subsection
13 (b) of this Section.

14 The changes made to this subsection (a-15) by Public Act
15 94-839 are intended to restate and clarify the intent of Public
16 Act 94-673 with respect to the amount of the payments required
17 to be made under this subsection by an owners licensee to the
18 Board.

19 (b) From the tax revenue from riverboat or casino gambling
20 deposited in the State Gaming Fund under this Section, an
21 amount equal to 5% of adjusted gross receipts generated by a
22 riverboat or a casino, other than a riverboat or casino
23 designated in paragraph (1), (3), or (4) of subsection (e-5) of
24 Section 7, shall be paid monthly, subject to appropriation by
25 the General Assembly, to the unit of local government in which
26 the casino is located or that is designated as the home dock of

1 the riverboat. Notwithstanding anything to the contrary,
2 beginning on the first day that an owners licensee under
3 paragraph (1), (2), (3), (4), (5), or (6) of subsection (e-5)
4 of Section 7 conducts gambling operations, either in a
5 temporary facility or a permanent facility, and for 2 years
6 thereafter, a unit of local government designated as the home
7 dock of a riverboat whose license was issued before January 1,
8 2019, other than a riverboat conducting gambling operations in
9 the City of East St. Louis, shall not receive less under this
10 subsection (b) than the amount the unit of local government
11 received under this subsection (b) in calendar year 2018.
12 Notwithstanding anything to the contrary and because the City
13 of East St. Louis is a financially distressed city, beginning
14 on the first day that an owners licensee under paragraph (1),
15 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7
16 conducts gambling operations, either in a temporary facility or
17 a permanent facility, and for 10 years thereafter, a unit of
18 local government designated as the home dock of a riverboat
19 conducting gambling operations in the City of East St. Louis
20 shall not receive less under this subsection (b) than the
21 amount the unit of local government received under this
22 subsection (b) in calendar year 2018.

23 From the tax revenue deposited in the State Gaming Fund
24 pursuant to riverboat or casino gambling operations conducted
25 by a licensed manager on behalf of the State, an amount equal
26 to 5% of adjusted gross receipts generated pursuant to those

1 riverboat or casino gambling operations shall be paid monthly,
2 subject to appropriation by the General Assembly, to the unit
3 of local government that is designated as the home dock of the
4 riverboat upon which those riverboat gambling operations are
5 conducted or in which the casino is located.

6 From the tax revenue from riverboat or casino gambling
7 deposited in the State Gaming Fund under this Section, an
8 amount equal to 5% of the adjusted gross receipts generated by
9 a riverboat designated in paragraph (3) of subsection (e-5) of
10 Section 7 shall be divided and remitted monthly, subject to
11 appropriation, as follows: 70% to Waukegan, 10% to Park City,
12 15% to North Chicago, and 5% to Lake County.

13 From the tax revenue from riverboat or casino gambling
14 deposited in the State Gaming Fund under this Section, an
15 amount equal to 5% of the adjusted gross receipts generated by
16 a riverboat designated in paragraph (4) of subsection (e-5) of
17 Section 7 shall be remitted monthly, subject to appropriation,
18 as follows: 70% to the City of Rockford, 5% to the City of
19 Loves Park, 5% to the Village of Machesney, and 20% to
20 Winnebago County.

21 From the tax revenue from riverboat or casino gambling
22 deposited in the State Gaming Fund under this Section, an
23 amount equal to 5% of the adjusted gross receipts generated by
24 a riverboat designated in paragraph (5) of subsection (e-5) of
25 Section 7 shall be remitted monthly, subject to appropriation,
26 as follows: 2% to the unit of local government in which the

1 riverboat or casino is located, and 3% shall be distributed:

2 (A) in accordance with a regional capital development plan
3 entered into by the following communities: Village of Beecher,
4 City of Blue Island, Village of Burnham, City of Calumet City,
5 Village of Calumet Park, City of Chicago Heights, City of
6 Country Club Hills, Village of Crestwood, Village of Crete,
7 Village of Dixmoor, Village of Dolton, Village of East Hazel
8 Crest, Village of Flossmoor, Village of Ford Heights, Village
9 of Glenwood, City of Harvey, Village of Hazel Crest, Village of
10 Homewood, Village of Lansing, Village of Lynwood, City of
11 Markham, Village of Matteson, Village of Midlothian, Village of
12 Monee, City of Oak Forest, Village of Olympia Fields, Village
13 of Orland Hills, Village of Orland Park, City of Palos Heights,
14 Village of Park Forest, Village of Phoenix, Village of Posen,
15 Village of Richton Park, Village of Riverdale, Village of
16 Robbins, Village of Sauk Village, Village of South Chicago
17 Heights, Village of South Holland, Village of Steger, Village
18 of Thornton, Village of Tinley Park, Village of University Park
19 and Village of Worth; or (B) if no regional capital development
20 plan exists, equally among the communities listed in item (A)
21 to be used for capital expenditures or public pension payments,
22 or both.

23 Units of local government may refund any portion of the
24 payment that they receive pursuant to this subsection (b) to
25 the riverboat or casino.

26 (b-4) Beginning on the first day the licensee under

1 paragraph (5) of subsection (e-5) of Section 7 conducts
2 gambling operations, either in a temporary facility or a
3 permanent facility, and ending on July 31, 2042, from the tax
4 revenue deposited in the State Gaming Fund under this Section,
5 \$5,000,000 shall be paid annually, subject to appropriation, to
6 the host municipality of that owners licensee of a license
7 issued or re-issued pursuant to Section 7.1 of this Act before
8 January 1, 2012. Payments received by the host municipality
9 pursuant to this subsection (b-4) may not be shared with any
10 other unit of local government.

11 (b-5) Beginning on June 28, 2019 (the effective date of
12 Public Act 101-31) ~~this amendatory Act of the 101st General~~
13 ~~Assembly~~, from the tax revenue deposited in the State Gaming
14 Fund under this Section, an amount equal to 3% of adjusted
15 gross receipts generated by each organization gaming facility
16 located outside Madison County shall be paid monthly, subject
17 to appropriation by the General Assembly, to a municipality
18 other than the Village of Stickney in which each organization
19 gaming facility is located or, if the organization gaming
20 facility is not located within a municipality, to the county in
21 which the organization gaming facility is located, except as
22 otherwise provided in this Section. From the tax revenue
23 deposited in the State Gaming Fund under this Section, an
24 amount equal to 3% of adjusted gross receipts generated by an
25 organization gaming facility located in the Village of Stickney
26 shall be paid monthly, subject to appropriation by the General

1 Assembly, as follows: 25% to the Village of Stickney, 5% to the
2 City of Berwyn, 50% to the Town of Cicero, and 20% to the
3 Stickney Public Health District.

4 From the tax revenue deposited in the State Gaming Fund
5 under this Section, an amount equal to 5% of adjusted gross
6 receipts generated by an organization gaming facility located
7 in the City of Collinsville shall be paid monthly, subject to
8 appropriation by the General Assembly, as follows: 30% to the
9 City of Alton, 30% to the City of East St. Louis, and 40% to the
10 City of Collinsville.

11 Municipalities and counties may refund any portion of the
12 payment that they receive pursuant to this subsection (b-5) to
13 the organization gaming facility.

14 (b-6) Beginning on June 28, 2019 (the effective date of
15 Public Act 101-31) ~~this amendatory Act of the 101st General~~
16 ~~Assembly~~, from the tax revenue deposited in the State Gaming
17 Fund under this Section, an amount equal to 2% of adjusted
18 gross receipts generated by an organization gaming facility
19 located outside Madison County shall be paid monthly, subject
20 to appropriation by the General Assembly, to the county in
21 which the organization gaming facility is located for the
22 purposes of its criminal justice system or health care system.

23 Counties may refund any portion of the payment that they
24 receive pursuant to this subsection (b-6) to the organization
25 gaming facility.

26 (b-7) From the tax revenue from the organization gaming

1 licensee located in one of the following townships of Cook
2 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or
3 Worth, an amount equal to 5% of the adjusted gross receipts
4 generated by that organization gaming licensee shall be
5 remitted monthly, subject to appropriation, as follows: 2% to
6 the unit of local government in which the organization gaming
7 licensee is located, and 3% shall be distributed: (A) in
8 accordance with a regional capital development plan entered
9 into by the following communities: Village of Beecher, City of
10 Blue Island, Village of Burnham, City of Calumet City, Village
11 of Calumet Park, City of Chicago Heights, City of Country Club
12 Hills, Village of Crestwood, Village of Crete, Village of
13 Dixmoor, Village of Dolton, Village of East Hazel Crest,
14 Village of Flossmoor, Village of Ford Heights, Village of
15 Glenwood, City of Harvey, Village of Hazel Crest, Village of
16 Homewood, Village of Lansing, Village of Lynwood, City of
17 Markham, Village of Matteson, Village of Midlothian, Village of
18 Monee, City of Oak Forest, Village of Olympia Fields, Village
19 of Orland Hills, Village of Orland Park, City of Palos Heights,
20 Village of Park Forest, Village of Phoenix, Village of Posen,
21 Village of Richton Park, Village of Riverdale, Village of
22 Robbins, Village of Sauk Village, Village of South Chicago
23 Heights, Village of South Holland, Village of Steger, Village
24 of Thornton, Village of Tinley Park, Village of University
25 Park, and Village of Worth; or (B) if no regional capital
26 development plan exists, equally among the communities listed

1 in item (A) to be used for capital expenditures or public
2 pension payments, or both.

3 (b-8) In lieu of the payments under subsection (b) of this
4 Section, the tax revenue from the privilege tax imposed by
5 subsection (a-5.5) shall be paid monthly, subject to
6 appropriation by the General Assembly, to the City of Chicago
7 and shall be expended or obligated by the City of Chicago for
8 pension payments in accordance with Public Act 99-506.

9 (c) Appropriations, as approved by the General Assembly,
10 may be made from the State Gaming Fund to the Board (i) for the
11 administration and enforcement of this Act and the Video Gaming
12 Act, (ii) for distribution to the Department of State Police
13 and to the Department of Revenue for the enforcement of this
14 Act, and the Video Gaming Act, and (iii) to the Department of
15 Human Services for the administration of programs to treat
16 problem gambling, including problem gambling from sports
17 wagering. The Board's annual appropriations request must
18 separately state its funding needs for the regulation of gaming
19 authorized under Section 7.7, riverboat gaming, casino gaming,
20 video gaming, and sports wagering.

21 (c-2) An amount equal to 2% of the adjusted gross receipts
22 generated by an organization gaming facility located within a
23 home rule county with a population of over 3,000,000
24 inhabitants shall be paid, subject to appropriation from the
25 General Assembly, from the State Gaming Fund to the home rule
26 county in which the organization gaming licensee is located for

1 the purpose of enhancing the county's criminal justice system.

2 (c-3) Appropriations, as approved by the General Assembly,
3 may be made from the tax revenue deposited into the State
4 Gaming Fund from organization gaming licensees pursuant to this
5 Section for the administration and enforcement of this Act.

6 (c-4) After payments required under subsections (b),
7 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from
8 the tax revenue from organization gaming licensees deposited
9 into the State Gaming Fund under this Section, all remaining
10 amounts from organization gaming licensees shall be
11 transferred into the Capital Projects Fund.

12 (c-5) (Blank).

13 (c-10) Each year the General Assembly shall appropriate
14 from the General Revenue Fund to the Education Assistance Fund
15 an amount equal to the amount paid into the Horse Racing Equity
16 Fund pursuant to subsection (c-5) in the prior calendar year.

17 (c-15) After the payments required under subsections (b),
18 (c), and (c-5) have been made, an amount equal to 2% of the
19 adjusted gross receipts of (1) an owners licensee that
20 relocates pursuant to Section 11.2, (2) an owners licensee
21 conducting riverboat gambling operations pursuant to an owners
22 license that is initially issued after June 25, 1999, or (3)
23 the first riverboat gambling operations conducted by a licensed
24 manager on behalf of the State under Section 7.3, whichever
25 comes first, shall be paid, subject to appropriation from the
26 General Assembly, from the State Gaming Fund to each home rule

1 county with a population of over 3,000,000 inhabitants for the
2 purpose of enhancing the county's criminal justice system.

3 (c-20) Each year the General Assembly shall appropriate
4 from the General Revenue Fund to the Education Assistance Fund
5 an amount equal to the amount paid to each home rule county
6 with a population of over 3,000,000 inhabitants pursuant to
7 subsection (c-15) in the prior calendar year.

8 (c-21) After the payments required under subsections (b),
9 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have
10 been made, an amount equal to 2% of the adjusted gross receipts
11 generated by the owners licensee under paragraph (1) of
12 subsection (e-5) of Section 7 shall be paid, subject to
13 appropriation from the General Assembly, from the State Gaming
14 Fund to the home rule county in which the owners licensee is
15 located for the purpose of enhancing the county's criminal
16 justice system.

17 (c-22) After the payments required under subsections (b),
18 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and
19 (c-21) have been made, an amount equal to 2% of the adjusted
20 gross receipts generated by the owners licensee under paragraph
21 (5) of subsection (e-5) of Section 7 shall be paid, subject to
22 appropriation from the General Assembly, from the State Gaming
23 Fund to the home rule county in which the owners licensee is
24 located for the purpose of enhancing the county's criminal
25 justice system.

26 (c-25) From July 1, 2013 and each July 1 thereafter through

1 July 1, 2019, \$1,600,000 shall be transferred from the State
2 Gaming Fund to the Chicago State University Education
3 Improvement Fund.

4 On July 1, 2020 and each July 1 thereafter, \$3,000,000
5 shall be transferred from the State Gaming Fund to the Chicago
6 State University Education Improvement Fund.

7 (c-30) On July 1, 2013 or as soon as possible thereafter,
8 \$92,000,000 shall be transferred from the State Gaming Fund to
9 the School Infrastructure Fund and \$23,000,000 shall be
10 transferred from the State Gaming Fund to the Horse Racing
11 Equity Fund.

12 (c-35) Beginning on July 1, 2013, in addition to any amount
13 transferred under subsection (c-30) of this Section,
14 \$5,530,000 shall be transferred monthly from the State Gaming
15 Fund to the School Infrastructure Fund.

16 (d) From time to time, the Board shall transfer the
17 remainder of the funds generated by this Act into the Education
18 Assistance Fund, created by Public Act 86-0018, of the State of
19 Illinois.

20 (e) Nothing in this Act shall prohibit the unit of local
21 government designated as the home dock of the riverboat from
22 entering into agreements with other units of local government
23 in this State or in other states to share its portion of the
24 tax revenue.

25 (f) To the extent practicable, the Board shall administer
26 and collect the wagering taxes imposed by this Section in a

1 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
2 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
3 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
4 Penalty and Interest Act.

5 (Source: P.A. 101-31, Article 25, Section 25-910, eff. 6-28-19;
6 101-31, Article 35, Section 35-55, eff. 6-28-19; revised
7 8-23-19.)

8 Section 505. The Raffles and Poker Runs Act is amended by
9 changing Sections 1, 2, 3, and 8.1 as follows:

10 (230 ILCS 15/1) (from Ch. 85, par. 2301)

11 Sec. 1. Definitions. For the purposes of this Act the terms
12 defined in this Section have the meanings given them.

13 "Key location" means:

14 (1) For a poker run, the location where the poker run
15 concludes and the prizes are awarded.

16 (2) For a raffle, the location where the winning
17 chances in the raffle are determined.

18 "Law enforcement agency" means an agency of this State or a
19 unit of local government in this State that is vested by law or
20 ordinance with the duty to maintain public order and to enforce
21 criminal laws or ordinances.

22 "Net proceeds" means the gross receipts from the conduct of
23 raffles, less reasonable sums expended for prizes, local
24 license fees and other operating expenses incurred as a result

1 of operating a raffle or poker run.

2 "Poker run" means a prize-awarding event organized by an
3 organization licensed under this Act in which participants
4 travel to multiple predetermined locations, including a key
5 location, to play a randomized game based on an element of
6 chance. "Poker run" includes dice runs, marble runs, or other
7 events where the objective is to build the best hand or highest
8 score by obtaining an item or playing a randomized game at each
9 location.

10 "Raffle" means a form of lottery, as defined in subsection
11 (b) of Section 28-2 of the Criminal Code of 2012, conducted by
12 an organization licensed under this Act, in which:

13 (1) the player pays or agrees to pay something of value
14 for a chance, represented and differentiated by a number or
15 by a combination of numbers or by some other medium, one or
16 more of which chances is to be designated the winning
17 chance; and

18 (2) the winning chance is to be determined through a
19 drawing or by some other method based on an element of
20 chance by an act or set of acts on the part of persons
21 conducting or connected with the lottery, except that the
22 winning chance shall not be determined by the outcome of a
23 publicly exhibited sporting contest.

24 "Raffle" does not include any game designed to simulate:
25 (1) gambling games as defined in the Illinois Riverboat
26 Gambling Act, (2) any casino game approved for play by the

1 Illinois Gaming Board, (3) any games provided by a video gaming
2 terminal, as defined in the Video Gaming Act, or (4) a savings
3 promotion raffle authorized under Section 5g of the Illinois
4 Banking Act, Section 7008 of the Savings Bank Act, Section 42.7
5 of the Illinois Credit Union Act, Section 5136B of the National
6 Bank Act, or Section 4 of the Home Owners' Loan Act.

7 (Source: P.A. 101-109, eff. 7-19-19; revised 12-9-19.)

8 (230 ILCS 15/2) (from Ch. 85, par. 2302)

9 Sec. 2. Licensing.

10 (a) The governing body of any county or municipality within
11 this State may establish a system for the licensing of
12 organizations to operate raffles. The governing bodies of a
13 county and one or more municipalities may, pursuant to a
14 written contract, jointly establish a system for the licensing
15 of organizations to operate raffles within any area of
16 contiguous territory not contained within the corporate limits
17 of a municipality which is not a party to such contract. The
18 governing bodies of two or more adjacent counties or two or
19 more adjacent municipalities located within a county may,
20 pursuant to a written contract, jointly establish a system for
21 the licensing of organizations to operate raffles within the
22 corporate limits of such counties or municipalities. The
23 licensing authority may establish special categories of
24 licenses and promulgate rules relating to the various
25 categories. The licensing system shall provide for limitations

1 upon (1) the aggregate retail value of all prizes or
2 merchandise awarded by a licensee in a single raffle, if any,
3 (2) the maximum retail value of each prize awarded by a
4 licensee in a single raffle, if any, (3) the maximum price
5 which may be charged for each raffle chance issued or sold, if
6 any, and (4) the maximum number of days during which chances
7 may be issued or sold, if any. The licensing system may include
8 a fee for each license in an amount to be determined by the
9 local governing body. Licenses issued pursuant to this Act
10 shall be valid for one raffle or for a specified number of
11 raffles to be conducted during a specified period not to exceed
12 one year and may be suspended or revoked for any violation of
13 this Act. A local governing body shall act on a license
14 application within 30 days from the date of application. A
15 county or municipality may adopt rules or ordinances for the
16 operation of raffles that are consistent with this Act. Raffles
17 shall be licensed by the governing body of the municipality
18 with jurisdiction over the key location or, if no municipality
19 has jurisdiction over the key location, then by the governing
20 body of the county with jurisdiction over the key location. A
21 license shall authorize the holder of such license to sell
22 raffle chances throughout the State, including beyond the
23 borders of the licensing municipality or county.

24 (a-5) The governing body of Cook County may and any other
25 county within this State shall establish a system for the
26 licensing of organizations to operate poker runs. The governing

1 bodies of 2 or more adjacent counties may, pursuant to a
2 written contract, jointly establish a system for the licensing
3 of organizations to operate poker runs within the corporate
4 limits of such counties. The licensing authority may establish
5 special categories of licenses and adopt rules relating to the
6 various categories. The licensing system may include a fee not
7 to exceed \$25 for each license. Licenses issued pursuant to
8 this Act shall be valid for one poker run or for a specified
9 number of poker runs to be conducted during a specified period
10 not to exceed one year and may be suspended or revoked for any
11 violation of this Act. A local governing body shall act on a
12 license application within 30 days after the date of
13 application.

14 (b) Raffle licenses shall be issued only to bona fide
15 religious, charitable, labor, business, fraternal,
16 educational, veterans', or other bona fide not-for-profit
17 organizations that operate without profit to their members and
18 which have been in existence continuously for a period of 5
19 years immediately before making application for a raffle
20 license and which have during that entire 5-year period been
21 engaged in carrying out their objects, or to a non-profit
22 fundraising organization that the licensing authority
23 determines is organized for the sole purpose of providing
24 financial assistance to an identified individual or group of
25 individuals suffering extreme financial hardship as the result
26 of an illness, disability, accident, or disaster, or to any law

1 enforcement agencies and associations that represent law
2 enforcement officials. Poker run licenses shall be issued only
3 to bona fide religious, charitable, labor, business,
4 fraternal, educational, veterans', or other bona fide
5 not-for-profit organizations that operate without profit to
6 their members and which have been in existence continuously for
7 a period of 5 years immediately before making application for a
8 poker run license and which have during that entire 5-year
9 period been engaged in carrying out their objects. Licenses for
10 poker runs shall be issued for the following purposes: (i)
11 providing financial assistance to an identified individual or
12 group of individuals suffering extreme financial hardship as
13 the result of an illness, disability, accident, or disaster or
14 (ii) to maintain the financial stability of the organization. A
15 licensing authority may waive the 5-year requirement under this
16 subsection (b) for a bona fide religious, charitable, labor,
17 business, fraternal, educational, or veterans' organization
18 that applies for a license to conduct a raffle or a poker run
19 if the organization is a local organization that is affiliated
20 with and chartered by a national or State organization that
21 meets the 5-year requirement.

22 For purposes of this Act, the following definitions apply.
23 Non-profit: An organization or institution organized and
24 conducted on a not-for-profit basis with no personal profit
25 inuring to any one as a result of the operation. Charitable: An
26 organization or institution organized and operated to benefit

1 an indefinite number of the public. The service rendered to
2 those eligible for benefits must also confer some benefit on
3 the public. Educational: An organization or institution
4 organized and operated to provide systematic instruction in
5 useful branches of learning by methods common to schools and
6 institutions of learning which compare favorably in their scope
7 and intensity with the course of study presented in
8 tax-supported schools. Religious: Any church, congregation,
9 society, or organization founded for the purpose of religious
10 worship. Fraternal: An organization of persons having a common
11 interest, the primary interest of which is to both promote the
12 welfare of its members and to provide assistance to the general
13 public in such a way as to lessen the burdens of government by
14 caring for those that otherwise would be cared for by the
15 government. Veterans: An organization or association comprised
16 of members of which substantially all are individuals who are
17 veterans or spouses, widows, or widowers of veterans, the
18 primary purpose of which is to promote the welfare of its
19 members and to provide assistance to the general public in such
20 a way as to confer a public benefit. Labor: An organization
21 composed of workers organized with the objective of betterment
22 of the conditions of those engaged in such pursuit and the
23 development of a higher degree of efficiency in their
24 respective occupations. Business: A voluntary organization
25 composed of individuals and businesses who have joined together
26 to advance the commercial, financial, industrial and civic

1 interests of a community.

2 (Source: P.A. 100-201, eff. 8-18-17; 101-109, eff. 7-19-19;
3 101-360, eff. 1-1-20; revised 9-9-19.)

4 (230 ILCS 15/3) (from Ch. 85, par. 2303)

5 Sec. 3. License; application; issuance; restrictions;
6 persons ineligible. Licenses issued by the governing body of
7 any county or municipality are subject to the following
8 restrictions:

9 (1) No person, firm, or corporation shall conduct
10 raffles or chances or poker runs without having first
11 obtained a license therefor pursuant to this Act.

12 (2) The license and application for license must
13 specify the location or locations at which winning chances
14 in the raffle will be determined, the time period during
15 which raffle chances will be sold or issued or a poker run
16 will be conducted, the time or times of determination of
17 winning chances, and the location or locations at which
18 winning chances will be determined.

19 (3) The license application must contain a sworn
20 statement attesting to the not-for-profit character of the
21 prospective licensee organization, signed by the presiding
22 officer and the secretary of that organization.

23 (4) The application for license shall be prepared in
24 accordance with the ordinance of the local governmental
25 unit.

1 (5) A license authorizes the licensee to conduct
2 raffles or poker runs as defined in this Act.

3 The following are ineligible for any license under this
4 Act:

5 (a) any person whose felony conviction will impair the
6 person's ability to engage in the licensed position;

7 (b) any person who is or has been a professional
8 gambler or professional gambling promoter;

9 (c) any person who is not of good moral character;

10 (d) any organization in which a person defined in item
11 (a), (b)1 or (c) has a proprietary, equitable1 or credit
12 interest, or in which such a person is active or employed;

13 (e) any organization in which a person defined in item
14 (a), (b)1 or (c) is an officer, director, or employee,
15 whether compensated or not; and

16 (f) any organization in which a person defined in item
17 (a), (b)1 or (c) is to participate in the management or
18 operation of a raffle as defined in this Act.

19 (Source: P.A. 100-286, eff. 1-1-18; 101-109, eff. 7-19-19;
20 revised 9-20-19.)

21 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

22 Sec. 8.1. Political committees.

23 (a) For the purposes of this Section1 the terms defined in
24 this subsection have the meanings given them.

25 "Net proceeds" means the gross receipts from the conduct of

1 raffles, less reasonable sums expended for prizes, license
2 fees, and other reasonable operating expenses incurred as a
3 result of operating a raffle.

4 "Raffle" means a form of lottery, as defined in Section
5 28-2(b) of the Criminal Code of 2012, conducted by a political
6 committee licensed under this Section, in which:

7 (1) the player pays or agrees to pay something of value
8 for a chance, represented and differentiated by a number or
9 by a combination of numbers or by some other medium, one or
10 more of which chances are ~~is~~ to be designated the winning
11 chance; and

12 (2) the winning chance is to be determined through a
13 drawing or by some other method based on an element of
14 chance by an act or set of acts on the part of persons
15 conducting or connected with the lottery, except that the
16 winning chance shall not be determined by the outcome of a
17 publicly exhibited sporting contest.

18 "Unresolved claim" means a claim for a civil penalty under
19 Sections 9-3, 9-10, and 9-23 of the Election Code which has
20 been begun by the State Board of Elections, has been disputed
21 by the political committee under the applicable rules of the
22 State Board of Elections, and has not been finally decided
23 either by the State Board of Elections, or, where application
24 for review has been made to the courts of Illinois, remains
25 finally undecided by the courts.

26 "Owes" means that a political committee has been finally

1 determined under applicable rules of the State Board of
2 Elections to be liable for a civil penalty under Sections 9-3,
3 9-10, and 9-23 of the Election Code.

4 (b) Licenses issued pursuant to this Section shall be valid
5 for one raffle or for a specified number of raffles to be
6 conducted during a specified period not to exceed one year and
7 may be suspended or revoked for any violation of this Section.
8 The State Board of Elections shall act on a license application
9 within 30 days from the date of application.

10 (c) Licenses issued by the State Board of Elections are
11 subject to the following restrictions:

12 (1) No political committee shall conduct raffles or
13 chances without having first obtained a license therefor
14 pursuant to this Section.

15 (2) The application for license shall be prepared in
16 accordance with regulations of the State Board of Elections
17 and must specify the area or areas within the State in
18 which raffle chances will be sold or issued, the time
19 period during which raffle chances will be sold or issued,
20 the time of determination of winning chances, and the
21 location or locations at which winning chances will be
22 determined.

23 (3) A license authorizes the licensee to conduct
24 raffles as defined in this Section.

25 The following are ineligible for any license under this
26 Section:

1 (i) any political committee which has an officer
2 who has been convicted of a felony;

3 (ii) any political committee which has an officer
4 who is or has been a professional gambler or gambling
5 promoter;

6 (iii) any political committee which has an officer
7 who is not of good moral character;

8 (iv) any political committee which has an officer
9 who is also an officer of a firm or corporation in
10 which a person defined in item (i), (ii), or (iii) has
11 a proprietary, equitable, or credit interest, or in
12 which such a person is active or employed;

13 (v) any political committee in which a person
14 defined in item (i), (ii), or (iii) is an officer,
15 director, or employee, whether compensated or not;

16 (vi) any political committee in which a person
17 defined in item (i), (ii), or (iii) is to participate
18 in the management or operation of a raffle as defined
19 in this Section;

20 (vii) any committee which, at the time of its
21 application for a license to conduct a raffle, owes the
22 State Board of Elections any unpaid civil penalty
23 authorized by Sections 9-3, 9-10, and 9-23 of the
24 Election Code, or is the subject of an unresolved claim
25 for a civil penalty under Sections 9-3, 9-10, and 9-23
26 of the Election Code;

1 (viii) any political committee which, at the time
2 of its application to conduct a raffle, has not
3 submitted any report or document required to be filed
4 by Article 9 of the Election Code and such report or
5 document is more than 10 days overdue.

6 (d) (1) The conducting of raffles is subject to the
7 following restrictions:

8 (i) The entire net proceeds of any raffle must be
9 exclusively devoted to the lawful purposes of the political
10 committee permitted to conduct that game.

11 (ii) No person except a bona fide member of the
12 political committee may participate in the management or
13 operation of the raffle.

14 (iii) No person may receive any remuneration or profit
15 for participating in the management or operation of the
16 raffle.

17 (iv) Raffle chances may be sold or issued only within
18 the area specified on the license and winning chances may
19 be determined only at those locations specified on the
20 license.

21 (v) A person under the age of 18 years may participate
22 in the conducting of raffles or chances only with the
23 permission of a parent or guardian. A person under the age
24 of 18 years may be within the area where winning chances
25 are being determined only when accompanied by his or her
26 parent or guardian.

1 (2) If a lessor rents a premises where a winning chance or
2 chances on a raffle are determined, the lessor shall not be
3 criminally liable if the person who uses the premises for the
4 determining of winning chances does not hold a license issued
5 under the provisions of this Section.

6 (e)(1) Each political committee licensed to conduct
7 raffles and chances shall keep records of its gross receipts,
8 expenses, and net proceeds for each single gathering or
9 occasion at which winning chances are determined. All
10 deductions from gross receipts for each single gathering or
11 occasion shall be documented with receipts or other records
12 indicating the amount, a description of the purchased item or
13 service or other reason for the deduction, and the recipient.
14 The distribution of net proceeds shall be itemized as to payee,
15 purpose, amount, and date of payment.

16 (2) Each political committee licensed to conduct raffles
17 shall report on the next report due to be filed under Article 9
18 of the Election Code its gross receipts, expenses, and net
19 proceeds from raffles, and the distribution of net proceeds
20 itemized as required in this subsection.

21 Such reports shall be included in the regular reports
22 required of political committees by Article 9 of the Election
23 Code.

24 (3) Records required by this subsection shall be preserved
25 for 3 years, and political committees shall make available
26 their records relating to the operation of raffles for public

1 inspection at reasonable times and places.

2 (f) Violation of any provision of this Section is a Class C
3 misdemeanor.

4 (g) Nothing in this Section shall be construed to authorize
5 the conducting or operating of any gambling scheme, enterprise,
6 activity, or device other than raffles as provided for herein.

7 (Source: P.A. 101-109, eff. 7-19-19; revised 9-20-19.)

8 Section 510. The Video Gaming Act is amended by changing
9 Section 58 as follows:

10 (230 ILCS 40/58)

11 Sec. 58. Location of terminals. Video gaming terminals in
12 a licensed establishment, licensed fraternal establishment, or
13 licensed veterans establishment must be located in an area that
14 is restricted to persons over 21 years of age and the entrance
15 to the area must be within the view of at least one employee of
16 the establishment who is over 21 years of age.

17 The placement of video gaming terminals in licensed
18 establishments, licensed truck stop establishments, licensed
19 large truck stop establishments, licensed fraternal
20 establishments, and licensed veterans establishments shall be
21 subject to the rules promulgated by the Board pursuant to the
22 Illinois Administrative Procedure Act.

23 (Source: P.A. 101-31, eff. 6-28-19; 101-318, eff. 8-9-19;
24 revised 9-20-19.)

1 Section 515. The Liquor Control Act of 1934 is amended by
2 changing Sections 3-12, 6-6, and 6-6.5 as follows:

3 (235 ILCS 5/3-12)

4 Sec. 3-12. Powers and duties of State Commission.

5 (a) The State Commission shall have the following powers,
6 functions, and duties:

7 (1) To receive applications and to issue licenses to
8 manufacturers, foreign importers, importing distributors,
9 distributors, non-resident dealers, on premise consumption
10 retailers, off premise sale retailers, special event
11 retailer licensees, special use permit licenses, auction
12 liquor licenses, brew pubs, caterer retailers,
13 non-beverage users, railroads, including owners and
14 lessees of sleeping, dining and cafe cars, airplanes,
15 boats, brokers, and wine maker's premises licensees in
16 accordance with the provisions of this Act, and to suspend
17 or revoke such licenses upon the State Commission's
18 determination, upon notice after hearing, that a licensee
19 has violated any provision of this Act or any rule or
20 regulation issued pursuant thereto and in effect for 30
21 days prior to such violation. Except in the case of an
22 action taken pursuant to a violation of Section 6-3, 6-5,
23 or 6-9, any action by the State Commission to suspend or
24 revoke a licensee's license may be limited to the license

1 for the specific premises where the violation occurred. An
2 action for a violation of this Act shall be commenced by
3 the State Commission within 2 years after the date the
4 State Commission becomes aware of the violation.

5 In lieu of suspending or revoking a license, the
6 commission may impose a fine, upon the State Commission's
7 determination and notice after hearing, that a licensee has
8 violated any provision of this Act or any rule or
9 regulation issued pursuant thereto and in effect for 30
10 days prior to such violation.

11 For the purpose of this paragraph (1), when determining
12 multiple violations for the sale of alcohol to a person
13 under the age of 21, a second or subsequent violation for
14 the sale of alcohol to a person under the age of 21 shall
15 only be considered if it was committed within 5 years after
16 the date when a prior violation for the sale of alcohol to
17 a person under the age of 21 was committed.

18 The fine imposed under this paragraph may not exceed
19 \$500 for each violation. Each day that the activity, which
20 gave rise to the original fine, continues is a separate
21 violation. The maximum fine that may be levied against any
22 licensee, for the period of the license, shall not exceed
23 \$20,000. The maximum penalty that may be imposed on a
24 licensee for selling a bottle of alcoholic liquor with a
25 foreign object in it or serving from a bottle of alcoholic
26 liquor with a foreign object in it shall be the destruction

1 of that bottle of alcoholic liquor for the first 10 bottles
2 so sold or served from by the licensee. For the eleventh
3 bottle of alcoholic liquor and for each third bottle
4 thereafter sold or served from by the licensee with a
5 foreign object in it, the maximum penalty that may be
6 imposed on the licensee is the destruction of the bottle of
7 alcoholic liquor and a fine of up to \$50.

8 Any notice issued by the State Commission to a licensee
9 for a violation of this Act or any notice with respect to
10 settlement or offer in compromise shall include the field
11 report, photographs, and any other supporting
12 documentation necessary to reasonably inform the licensee
13 of the nature and extent of the violation or the conduct
14 alleged to have occurred. The failure to include such
15 required documentation shall result in the dismissal of the
16 action.

17 (2) To adopt such rules and regulations consistent with
18 the provisions of this Act which shall be necessary to
19 carry on its functions and duties to the end that the
20 health, safety and welfare of the People of the State of
21 Illinois shall be protected and temperance in the
22 consumption of alcoholic liquors shall be fostered and
23 promoted and to distribute copies of such rules and
24 regulations to all licensees affected thereby.

25 (3) To call upon other administrative departments of
26 the State, county and municipal governments, county and

1 city police departments and upon prosecuting officers for
2 such information and assistance as it deems necessary in
3 the performance of its duties.

4 (4) To recommend to local commissioners rules and
5 regulations, not inconsistent with the law, for the
6 distribution and sale of alcoholic liquors throughout the
7 State.

8 (5) To inspect, or cause to be inspected, any premises
9 in this State where alcoholic liquors are manufactured,
10 distributed, warehoused, or sold. Nothing in this Act
11 authorizes an agent of the State Commission to inspect
12 private areas within the premises without reasonable
13 suspicion or a warrant during an inspection. "Private
14 areas" include, but are not limited to, safes, personal
15 property, and closed desks.

16 (5.1) Upon receipt of a complaint or upon having
17 knowledge that any person is engaged in business as a
18 manufacturer, importing distributor, distributor, or
19 retailer without a license or valid license, to conduct an
20 investigation. If, after conducting an investigation, the
21 State Commission is satisfied that the alleged conduct
22 occurred or is occurring, it may issue a cease and desist
23 notice as provided in this Act, impose civil penalties as
24 provided in this Act, notify the local liquor authority, or
25 file a complaint with the State's Attorney's Office of the
26 county where the incident occurred or the Attorney General.

1 (5.2) Upon receipt of a complaint or upon having
2 knowledge that any person is shipping alcoholic liquor into
3 this State from a point outside of this State if the
4 shipment is in violation of this Act, to conduct an
5 investigation. If, after conducting an investigation, the
6 State Commission is satisfied that the alleged conduct
7 occurred or is occurring, it may issue a cease and desist
8 notice as provided in this Act, impose civil penalties as
9 provided in this Act, notify the foreign jurisdiction, or
10 file a complaint with the State's Attorney's Office of the
11 county where the incident occurred or the Attorney General.

12 (5.3) To receive complaints from licensees, local
13 officials, law enforcement agencies, organizations, and
14 persons stating that any licensee has been or is violating
15 any provision of this Act or the rules and regulations
16 issued pursuant to this Act. Such complaints shall be in
17 writing, signed and sworn to by the person making the
18 complaint, and shall state with specificity the facts in
19 relation to the alleged violation. If the State Commission
20 has reasonable grounds to believe that the complaint
21 substantially alleges a violation of this Act or rules and
22 regulations adopted pursuant to this Act, it shall conduct
23 an investigation. If, after conducting an investigation,
24 the State Commission is satisfied that the alleged
25 violation did occur, it shall proceed with disciplinary
26 action against the licensee as provided in this Act.

1 (5.4) To make arrests and issue notices of civil
2 violations where necessary for the enforcement of this Act.

3 (5.5) To investigate any and all unlicensed activity.

4 (5.6) To impose civil penalties or fines to any person
5 who, without holding a valid license, engages in conduct
6 that requires a license pursuant to this Act, in an amount
7 not to exceed \$20,000 for each offense as determined by the
8 State Commission. A civil penalty shall be assessed by the
9 State Commission after a hearing is held in accordance with
10 the provisions set forth in this Act regarding the
11 provision of a hearing for the revocation or suspension of
12 a license.

13 (6) To hear and determine appeals from orders of a
14 local commission in accordance with the provisions of this
15 Act, as hereinafter set forth. Hearings under this
16 subsection shall be held in Springfield or Chicago, at
17 whichever location is the more convenient for the majority
18 of persons who are parties to the hearing.

19 (7) The State Commission shall establish uniform
20 systems of accounts to be kept by all retail licensees
21 having more than 4 employees, and for this purpose the
22 State Commission may classify all retail licensees having
23 more than 4 employees and establish a uniform system of
24 accounts for each class and prescribe the manner in which
25 such accounts shall be kept. The State Commission may also
26 prescribe the forms of accounts to be kept by all retail

1 licenses having more than 4 employees, including, but not
2 limited to, accounts of earnings and expenses and any
3 distribution, payment, or other distribution of earnings
4 or assets, and any other forms, records, and memoranda
5 which in the judgment of the commission may be necessary or
6 appropriate to carry out any of the provisions of this Act,
7 including, but not limited to, such forms, records, and
8 memoranda as will readily and accurately disclose at all
9 times the beneficial ownership of such retail licensed
10 business. The accounts, forms, records, and memoranda
11 shall be available at all reasonable times for inspection
12 by authorized representatives of the State Commission or by
13 any local liquor control commissioner or his or her
14 authorized representative. The commission may, from time
15 to time, alter, amend, or repeal, in whole or in part, any
16 uniform system of accounts, or the form and manner of
17 keeping accounts.

18 (8) In the conduct of any hearing authorized to be held
19 by the State Commission, to appoint, at the commission's
20 discretion, hearing officers to conduct hearings involving
21 complex issues or issues that will require a protracted
22 period of time to resolve, to examine, or cause to be
23 examined, under oath, any licensee, and to examine or cause
24 to be examined the books and records of such licensee; to
25 hear testimony and take proof material for its information
26 in the discharge of its duties hereunder; to administer or

1 cause to be administered oaths; for any such purpose to
2 issue subpoena or subpoenas to require the attendance of
3 witnesses and the production of books, which shall be
4 effective in any part of this State, and to adopt rules to
5 implement its powers under this paragraph (8).

6 Any circuit court may, by order duly entered, require
7 the attendance of witnesses and the production of relevant
8 books subpoenaed by the State Commission and the court may
9 compel obedience to its order by proceedings for contempt.

10 (9) To investigate the administration of laws in
11 relation to alcoholic liquors in this and other states and
12 any foreign countries, and to recommend from time to time
13 to the Governor and through him or her to the legislature
14 of this State, such amendments to this Act, if any, as it
15 may think desirable and as will serve to further the
16 general broad purposes contained in Section 1-2 hereof.

17 (10) To adopt such rules and regulations consistent
18 with the provisions of this Act which shall be necessary
19 for the control, sale, or disposition of alcoholic liquor
20 damaged as a result of an accident, wreck, flood, fire, or
21 other similar occurrence.

22 (11) To develop industry educational programs related
23 to responsible serving and selling, particularly in the
24 areas of overserving consumers and illegal underage
25 purchasing and consumption of alcoholic beverages.

26 (11.1) To license persons providing education and

1 training to alcohol beverage sellers and servers for
2 mandatory and non-mandatory training under the Beverage
3 Alcohol Sellers and Servers Education and Training
4 (BASSET) programs and to develop and administer a public
5 awareness program in Illinois to reduce or eliminate the
6 illegal purchase and consumption of alcoholic beverage
7 products by persons under the age of 21. Application for a
8 license shall be made on forms provided by the State
9 Commission.

10 (12) To develop and maintain a repository of license
11 and regulatory information.

12 (13) (Blank).

13 (14) On or before April 30, 2008 and every 2 years
14 thereafter, the State Commission shall present a written
15 report to the Governor and the General Assembly that shall
16 be based on a study of the impact of Public Act 95-634 on
17 the business of soliciting, selling, and shipping wine from
18 inside and outside of this State directly to residents of
19 this State. As part of its report, the State Commission
20 shall provide all of the following information:

21 (A) The amount of State excise and sales tax
22 revenues generated.

23 (B) The amount of licensing fees received.

24 (C) The number of cases of wine shipped from inside
25 and outside of this State directly to residents of this
26 State.

1 (D) The number of alcohol compliance operations
2 conducted.

3 (E) The number of winery shipper's licenses
4 issued.

5 (F) The number of each of the following: reported
6 violations; cease and desist notices issued by the
7 Commission; notices of violations issued by the
8 Commission and to the Department of Revenue; and
9 notices and complaints of violations to law
10 enforcement officials, including, without limitation,
11 the Illinois Attorney General and the U.S. Department
12 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

13 (15) As a means to reduce the underage consumption of
14 alcoholic liquors, the State Commission shall conduct
15 alcohol compliance operations to investigate whether
16 businesses that are soliciting, selling, and shipping wine
17 from inside or outside of this State directly to residents
18 of this State are licensed by this State or are selling or
19 attempting to sell wine to persons under 21 years of age in
20 violation of this Act.

21 (16) The State Commission shall, in addition to
22 notifying any appropriate law enforcement agency, submit
23 notices of complaints or violations of Sections 6-29 and
24 6-29.1 by persons who do not hold a winery shipper's
25 license under this Act to the Illinois Attorney General and
26 to the U.S. Department of Treasury's Alcohol and Tobacco

1 Tax and Trade Bureau.

2 (17) (A) A person licensed to make wine under the laws
3 of another state who has a winery shipper's license under
4 this Act and annually produces less than 25,000 gallons of
5 wine or a person who has a first-class or second-class wine
6 manufacturer's license, a first-class or second-class
7 wine-maker's license, or a limited wine manufacturer's
8 license under this Act and annually produces less than
9 25,000 gallons of wine may make application to the
10 Commission for a self-distribution exemption to allow the
11 sale of not more than 5,000 gallons of the exemption
12 holder's wine to retail licensees per year.

13 (B) In the application, which shall be sworn under
14 penalty of perjury, such person shall state (1) the date it
15 was established; (2) its volume of production and sales for
16 each year since its establishment; (3) its efforts to
17 establish distributor relationships; (4) that a
18 self-distribution exemption is necessary to facilitate the
19 marketing of its wine; and (5) that it will comply with the
20 liquor and revenue laws of the United States, this State,
21 and any other state where it is licensed.

22 (C) The State Commission shall approve the application
23 for a self-distribution exemption if such person: (1) is in
24 compliance with State revenue and liquor laws; (2) is not a
25 member of any affiliated group that produces more than
26 25,000 gallons of wine per annum or produces any other

1 alcoholic liquor; (3) will not annually produce for sale
2 more than 25,000 gallons of wine; and (4) will not annually
3 sell more than 5,000 gallons of its wine to retail
4 licensees.

5 (D) A self-distribution exemption holder shall
6 annually certify to the State Commission its production of
7 wine in the previous 12 months and its anticipated
8 production and sales for the next 12 months. The State
9 Commission may fine, suspend, or revoke a
10 self-distribution exemption after a hearing if it finds
11 that the exemption holder has made a material
12 misrepresentation in its application, violated a revenue
13 or liquor law of Illinois, exceeded production of 25,000
14 gallons of wine in any calendar year, or become part of an
15 affiliated group producing more than 25,000 gallons of wine
16 or any other alcoholic liquor.

17 (E) Except in hearings for violations of this Act or
18 Public Act 95-634 or a bona fide investigation by duly
19 sworn law enforcement officials, the State Commission, or
20 its agents, the State Commission shall maintain the
21 production and sales information of a self-distribution
22 exemption holder as confidential and shall not release such
23 information to any person.

24 (F) The State Commission shall issue regulations
25 governing self-distribution exemptions consistent with
26 this Section and this Act.

1 (G) Nothing in this paragraph (17) shall prohibit a
2 self-distribution exemption holder from entering into or
3 simultaneously having a distribution agreement with a
4 licensed Illinois distributor.

5 (H) It is the intent of this paragraph (17) to promote
6 and continue orderly markets. The General Assembly finds
7 that, in order to preserve Illinois' regulatory
8 distribution system, it is necessary to create an exception
9 for smaller makers of wine as their wines are frequently
10 adjusted in varietals, mixes, vintages, and taste to find
11 and create market niches sometimes too small for
12 distributor or importing distributor business strategies.
13 Limited self-distribution rights will afford and allow
14 smaller makers of wine access to the marketplace in order
15 to develop a customer base without impairing the integrity
16 of the 3-tier system.

17 (18)(A) A class 1 brewer licensee, who must also be
18 either a licensed brewer or licensed non-resident dealer
19 and annually manufacture less than 930,000 gallons of beer,
20 may make application to the State Commission for a
21 self-distribution exemption to allow the sale of not more
22 than 232,500 gallons of the exemption holder's beer per
23 year to retail licensees and to brewers, class 1 brewers,
24 and class 2 brewers that, pursuant to subsection (e) of
25 Section 6-4 of this Act, sell beer, cider, or both beer and
26 cider to non-licensees at their breweries.

1 (B) In the application, which shall be sworn under
2 penalty of perjury, the class 1 brewer licensee shall state
3 (1) the date it was established; (2) its volume of beer
4 manufactured and sold for each year since its
5 establishment; (3) its efforts to establish distributor
6 relationships; (4) that a self-distribution exemption is
7 necessary to facilitate the marketing of its beer; and (5)
8 that it will comply with the alcoholic beverage and revenue
9 laws of the United States, this State, and any other state
10 where it is licensed.

11 (C) Any application submitted shall be posted on the
12 State Commission's website at least 45 days prior to action
13 by the State Commission. The State Commission shall approve
14 the application for a self-distribution exemption if the
15 class 1 brewer licensee: (1) is in compliance with the
16 State, revenue, and alcoholic beverage laws; (2) is not a
17 member of any affiliated group that manufactures more than
18 930,000 gallons of beer per annum or produces any other
19 alcoholic beverages; (3) shall not annually manufacture
20 for sale more than 930,000 gallons of beer; (4) shall not
21 annually sell more than 232,500 gallons of its beer to
22 retail licensees or to brewers, class 1 brewers, and class
23 2 brewers that, pursuant to subsection (e) of Section 6-4
24 of this Act, sell beer, cider, or both beer and cider to
25 non-licensees at their breweries; and (5) has relinquished
26 any brew pub license held by the licensee, including any

1 ownership interest it held in the licensed brew pub.

2 (D) A self-distribution exemption holder shall
3 annually certify to the State Commission its manufacture of
4 beer during the previous 12 months and its anticipated
5 manufacture and sales of beer for the next 12 months. The
6 State Commission may fine, suspend, or revoke a
7 self-distribution exemption after a hearing if it finds
8 that the exemption holder has made a material
9 misrepresentation in its application, violated a revenue
10 or alcoholic beverage law of Illinois, exceeded the
11 manufacture of 930,000 gallons of beer in any calendar year
12 or became part of an affiliated group manufacturing more
13 than 930,000 gallons of beer or any other alcoholic
14 beverage.

15 (E) The State Commission shall issue rules and
16 regulations governing self-distribution exemptions
17 consistent with this Act.

18 (F) Nothing in this paragraph (18) shall prohibit a
19 self-distribution exemption holder from entering into or
20 simultaneously having a distribution agreement with a
21 licensed Illinois importing distributor or a distributor.
22 If a self-distribution exemption holder enters into a
23 distribution agreement and has assigned distribution
24 rights to an importing distributor or distributor, then the
25 self-distribution exemption holder's distribution rights
26 in the assigned territories shall cease in a reasonable

1 time not to exceed 60 days.

2 (G) It is the intent of this paragraph (18) to promote
3 and continue orderly markets. The General Assembly finds
4 that in order to preserve Illinois' regulatory
5 distribution system, it is necessary to create an exception
6 for smaller manufacturers in order to afford and allow such
7 smaller manufacturers of beer access to the marketplace in
8 order to develop a customer base without impairing the
9 integrity of the 3-tier system.

10 (19) (A) A class 1 craft distiller licensee or a
11 non-resident dealer who manufactures less than 50,000
12 gallons of distilled spirits per year may make application
13 to the State Commission for a self-distribution exemption
14 to allow the sale of not more than 5,000 gallons of the
15 exemption holder's spirits to retail licensees per year.

16 (B) In the application, which shall be sworn under
17 penalty of perjury, the class 1 craft distiller licensee or
18 non-resident dealer shall state (1) the date it was
19 established; (2) its volume of spirits manufactured and
20 sold for each year since its establishment; (3) its efforts
21 to establish distributor relationships; (4) that a
22 self-distribution exemption is necessary to facilitate the
23 marketing of its spirits; and (5) that it will comply with
24 the alcoholic beverage and revenue laws of the United
25 States, this State, and any other state where it is
26 licensed.

1 (C) Any application submitted shall be posted on the
2 State Commission's website at least 45 days prior to action
3 by the State Commission. The State Commission shall approve
4 the application for a self-distribution exemption if the
5 applicant: (1) is in compliance with State revenue and
6 alcoholic beverage laws; (2) is not a member of any
7 affiliated group that produces more than 50,000 gallons of
8 spirits per annum or produces any other alcoholic liquor;
9 (3) does not annually manufacture for sale more than 50,000
10 gallons of spirits; and (4) does not annually sell more
11 than 5,000 gallons of its spirits to retail licensees.

12 (D) A self-distribution exemption holder shall
13 annually certify to the State Commission its manufacture of
14 spirits during the previous 12 months and its anticipated
15 manufacture and sales of spirits for the next 12 months.
16 The State Commission may fine, suspend, or revoke a
17 self-distribution exemption after a hearing if it finds
18 that the exemption holder has made a material
19 misrepresentation in its application, violated a revenue
20 or alcoholic beverage law of Illinois, exceeded the
21 manufacture of 50,000 gallons of spirits in any calendar
22 year, or has become part of an affiliated group
23 manufacturing more than 50,000 gallons of spirits or any
24 other alcoholic beverage.

25 (E) The State Commission shall adopt rules governing
26 self-distribution exemptions consistent with this Act.

1 (F) Nothing in this paragraph (19) shall prohibit a
2 self-distribution exemption holder from entering into or
3 simultaneously having a distribution agreement with a
4 licensed Illinois importing distributor or a distributor.

5 (G) It is the intent of this paragraph (19) to promote
6 and continue orderly markets. The General Assembly finds
7 that in order to preserve Illinois' regulatory
8 distribution system, it is necessary to create an exception
9 for smaller manufacturers in order to afford and allow such
10 smaller manufacturers of spirits access to the marketplace
11 in order to develop a customer base without impairing the
12 integrity of the 3-tier system.

13 (b) On or before April 30, 1999, the Commission shall
14 present a written report to the Governor and the General
15 Assembly that shall be based on a study of the impact of Public
16 Act 90-739 on the business of soliciting, selling, and shipping
17 alcoholic liquor from outside of this State directly to
18 residents of this State.

19 As part of its report, the Commission shall provide the
20 following information:

21 (i) the amount of State excise and sales tax revenues
22 generated as a result of Public Act 90-739;

23 (ii) the amount of licensing fees received as a result
24 of Public Act 90-739;

25 (iii) the number of reported violations, the number of
26 cease and desist notices issued by the Commission, the

1 number of notices of violations issued to the Department of
2 Revenue, and the number of notices and complaints of
3 violations to law enforcement officials.

4 (Source: P.A. 100-134, eff. 8-18-17; 100-201, eff. 8-18-17;
5 100-816, eff. 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff.
6 8-23-18; 101-37, eff. 7-3-19; 101-81, eff. 7-12-19; 101-482,
7 eff. 8-23-19; revised 9-20-19.)

8 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

9 Sec. 6-6. Except as otherwise provided in this Act no
10 manufacturer or distributor or importing distributor shall,
11 directly or indirectly, sell, supply, furnish, give or pay for,
12 or loan or lease, any furnishing, fixture or equipment on the
13 premises of a place of business of another licensee authorized
14 under this Act to sell alcoholic liquor at retail, either for
15 consumption on or off the premises, nor shall he or she,
16 directly or indirectly, pay for any such license, or advance,
17 furnish, lend or give money for payment of such license, or
18 purchase or become the owner of any note, mortgage, or other
19 evidence of indebtedness of such licensee or any form of
20 security therefor, nor shall such manufacturer, or
21 distributor, or importing distributor, directly or indirectly,
22 be interested in the ownership, conduct or operation of the
23 business of any licensee authorized to sell alcoholic liquor at
24 retail, nor shall any manufacturer, or distributor, or
25 importing distributor be interested directly or indirectly or

1 as owner or part owner of said premises or as lessee or lessor
2 thereof, in any premises upon which alcoholic liquor is sold at
3 retail.

4 No manufacturer or distributor or importing distributor
5 shall, directly or indirectly or through a subsidiary or
6 affiliate, or by any officer, director or firm of such
7 manufacturer, distributor or importing distributor, furnish,
8 give, lend or rent, install, repair or maintain, to or for any
9 retail licensee in this State, any signs or inside advertising
10 materials except as provided in this Section and Section 6-5.
11 With respect to retail licensees, other than any government
12 owned or operated auditorium, exhibition hall, recreation
13 facility or other similar facility holding a retailer's license
14 as described in Section 6-5, a manufacturer, distributor, or
15 importing distributor may furnish, give, lend or rent and
16 erect, install, repair and maintain to or for any retail
17 licensee, for use at any one time in or about or in connection
18 with a retail establishment on which the products of the
19 manufacturer, distributor or importing distributor are sold,
20 the following signs and inside advertising materials as
21 authorized in subparts (i), (ii), (iii), and (iv):

22 (i) Permanent outside signs shall cost not more than
23 \$3,000 per brand, exclusive of erection, installation,
24 repair and maintenance costs, and permit fees and shall
25 bear only the manufacturer's name, brand name, trade name,
26 slogans, markings, trademark, or other symbols commonly

1 associated with and generally used in identifying the
2 product including, but not limited to, "cold beer", "on
3 tap", "carry out", and "packaged liquor".

4 (ii) Temporary outside signs shall include, but not be
5 limited to, banners, flags, pennants, streamers, and other
6 items of a temporary and non-permanent nature, and shall
7 cost not more than \$1,000 per manufacturer. Each temporary
8 outside sign must include the manufacturer's name, brand
9 name, trade name, slogans, markings, trademark, or other
10 symbol commonly associated with and generally used in
11 identifying the product. Temporary outside signs may also
12 include, for example, the product, price, packaging, date
13 or dates of a promotion and an announcement of a retail
14 licensee's specific sponsored event, if the temporary
15 outside sign is intended to promote a product, and provided
16 that the announcement of the retail licensee's event and
17 the product promotion are held simultaneously. However,
18 temporary outside signs may not include names, slogans,
19 markings, or logos that relate to the retailer. Nothing in
20 this subpart (ii) shall prohibit a distributor or importing
21 distributor from bearing the cost of creating or printing a
22 temporary outside sign for the retail licensee's specific
23 sponsored event or from bearing the cost of creating or
24 printing a temporary sign for a retail licensee containing,
25 for example, community goodwill expressions, regional
26 sporting event announcements, or seasonal messages,

1 provided that the primary purpose of the temporary outside
2 sign is to highlight, promote, or advertise the product. In
3 addition, temporary outside signs provided by the
4 manufacturer to the distributor or importing distributor
5 may also include, for example, subject to the limitations
6 of this Section, preprinted community goodwill
7 expressions, sporting event announcements, seasonal
8 messages, and manufacturer promotional announcements.
9 However, a distributor or importing distributor shall not
10 bear the cost of such manufacturer preprinted signs.

11 (iii) Permanent inside signs, whether visible from the
12 outside or the inside of the premises, include, but are not
13 limited to: alcohol lists and menus that may include names,
14 slogans, markings, or logos that relate to the retailer;
15 neons; illuminated signs; clocks; table lamps; mirrors;
16 tap handles; decalcomanias; window painting; and window
17 trim. All neons, illuminated signs, clocks, table lamps,
18 mirrors, and tap handles are the property of the
19 manufacturer and shall be returned to the manufacturer or
20 its agent upon request. All permanent inside signs in place
21 and in use at any one time shall cost in the aggregate not
22 more than \$6,000 per manufacturer. A permanent inside sign
23 must include the manufacturer's name, brand name, trade
24 name, slogans, markings, trademark, or other symbol
25 commonly associated with and generally used in identifying
26 the product. However, permanent inside signs may not

1 include names, slogans, markings, or logos that relate to
2 the retailer. For the purpose of this subpart (iii), all
3 permanent inside signs may be displayed in an adjacent
4 courtyard or patio commonly referred to as a "beer garden"
5 that is a part of the retailer's licensed premises.

6 (iv) Temporary inside signs shall include, but are not
7 limited to, lighted chalk boards, acrylic table tent
8 beverage or hors d'oeuvre list holders, banners, flags,
9 pennants, streamers, and inside advertising materials such
10 as posters, placards, bowling sheets, table tents, inserts
11 for acrylic table tent beverage or hors d'oeuvre list
12 holders, sports schedules, or similar printed or
13 illustrated materials and product displays, such as
14 display racks, bins, barrels, or similar items, the primary
15 function of which is to temporarily hold and display
16 alcoholic beverages; however, such items, for example, as
17 coasters, trays, napkins, glassware, growlers, crowlers,
18 and cups shall not be deemed to be inside signs or
19 advertising materials and may only be sold to retailers at
20 fair market value, which shall be no less than the cost of
21 the item to the manufacturer, distributor, or importing
22 distributor. All temporary inside signs and inside
23 advertising materials in place and in use at any one time
24 shall cost in the aggregate not more than \$1,000 per
25 manufacturer. Nothing in this subpart (iv) prohibits a
26 distributor or importing distributor from paying the cost

1 of printing or creating any temporary inside banner or
2 inserts for acrylic table tent beverage or hors d'oeuvre
3 list holders for a retail licensee, provided that the
4 primary purpose for the banner or insert is to highlight,
5 promote, or advertise the product. For the purpose of this
6 subpart (iv), all temporary inside signs and inside
7 advertising materials may be displayed in an adjacent
8 courtyard or patio commonly referred to as a "beer garden"
9 that is a part of the retailer's licensed premises.

10 The restrictions contained in this Section 6-6 do not apply
11 to signs, or promotional or advertising materials furnished by
12 manufacturers, distributors or importing distributors to a
13 government owned or operated facility holding a retailer's
14 license as described in Section 6-5.

15 No distributor or importing distributor shall directly or
16 indirectly or through a subsidiary or affiliate, or by any
17 officer, director or firm of such manufacturer, distributor or
18 importing distributor, furnish, give, lend or rent, install,
19 repair or maintain, to or for any retail licensee in this
20 State, any signs or inside advertising materials described in
21 subparts (i), (ii), (iii), or (iv) of this Section except as
22 the agent for or on behalf of a manufacturer, provided that the
23 total cost of any signs and inside advertising materials
24 including but not limited to labor, erection, installation and
25 permit fees shall be paid by the manufacturer whose product or
26 products said signs and inside advertising materials advertise

1 and except as follows:

2 A distributor or importing distributor may purchase from or
3 enter into a written agreement with a manufacturer or a
4 manufacturer's designated supplier and such manufacturer or
5 the manufacturer's designated supplier may sell or enter into
6 an agreement to sell to a distributor or importing distributor
7 permitted signs and advertising materials described in
8 subparts (ii), (iii), or (iv) of this Section for the purpose
9 of furnishing, giving, lending, renting, installing,
10 repairing, or maintaining such signs or advertising materials
11 to or for any retail licensee in this State. Any purchase by a
12 distributor or importing distributor from a manufacturer or a
13 manufacturer's designated supplier shall be voluntary and the
14 manufacturer may not require the distributor or the importing
15 distributor to purchase signs or advertising materials from the
16 manufacturer or the manufacturer's designated supplier.

17 A distributor or importing distributor shall be deemed the
18 owner of such signs or advertising materials purchased from a
19 manufacturer or a manufacturer's designated supplier.

20 The provisions of Public Act 90-373 concerning signs or
21 advertising materials delivered by a manufacturer to a
22 distributor or importing distributor shall apply only to signs
23 or advertising materials delivered on or after August 14, 1997.

24 A manufacturer, distributor, or importing distributor may
25 furnish free social media advertising to a retail licensee if
26 the social media advertisement does not contain the retail

1 price of any alcoholic liquor and the social media
2 advertisement complies with any applicable rules or
3 regulations issued by the Alcohol and Tobacco Tax and Trade
4 Bureau of the United States Department of the Treasury. A
5 manufacturer, distributor, or importing distributor may list
6 the names of one or more unaffiliated retailers in the
7 advertisement of alcoholic liquor through social media.
8 Nothing in this Section shall prohibit a retailer from
9 communicating with a manufacturer, distributor, or importing
10 distributor on social media or sharing media on the social
11 media of a manufacturer, distributor, or importing
12 distributor. A retailer may request free social media
13 advertising from a manufacturer, distributor, or importing
14 distributor. Nothing in this Section shall prohibit a
15 manufacturer, distributor, or importing distributor from
16 sharing, reposting, or otherwise forwarding a social media post
17 by a retail licensee, so long as the sharing, reposting, or
18 forwarding of the social media post does not contain the retail
19 price of any alcoholic liquor. No manufacturer, distributor, or
20 importing distributor shall pay or reimburse a retailer,
21 directly or indirectly, for any social media advertising
22 services, except as specifically permitted in this Act. No
23 retailer shall accept any payment or reimbursement, directly or
24 indirectly, for any social media advertising services offered
25 by a manufacturer, distributor, or importing distributor,
26 except as specifically permitted in this Act. For the purposes

1 of this Section, "social media" means a service, platform, or
2 site where users communicate with one another and share media,
3 such as pictures, videos, music, and blogs, with other users
4 free of charge.

5 No person engaged in the business of manufacturing,
6 importing or distributing alcoholic liquors shall, directly or
7 indirectly, pay for, or advance, furnish, or lend money for the
8 payment of any license for another. Any licensee who shall
9 permit or assent, or be a party in any way to any violation or
10 infringement of the provisions of this Section shall be deemed
11 guilty of a violation of this Act, and any money loaned
12 contrary to a provision of this Act shall not be recovered
13 back, or any note, mortgage or other evidence of indebtedness,
14 or security, or any lease or contract obtained or made contrary
15 to this Act shall be unenforceable and void.

16 This Section shall not apply to airplane licensees
17 exercising powers provided in paragraph (i) of Section 5-1 of
18 this Act.

19 (Source: P.A. 100-885, eff. 8-14-18; 101-16, eff. 6-14-19;
20 101-517, eff. 8-23-19; revised 9-18-19.)

21 (235 ILCS 5/6-6.5)

22 Sec. 6-6.5. Sanitation and use of growlers and crowlers.

23 (a) A manufacturer, distributor, or importing distributor
24 may not provide for free, but may sell coil cleaning services
25 and installation services, including labor costs, to a retail

1 licensee at fair market cost.

2 A manufacturer, distributor, or importing distributor may
3 not provide for free, but may sell dispensing accessories to
4 retail licensees at a price not less than the cost to the
5 manufacturer, distributor, or importing distributor who
6 initially purchased them. Dispensing accessories include, but
7 are not limited to, items such as standards, faucets, cold
8 plates, rods, vents, taps, tap standards, hoses, washers,
9 couplings, gas gauges, vent tongues, shanks, glycol draught
10 systems, pumps, and check valves. A manufacturer, distributor,
11 or importing distributor may service, balance, or inspect draft
12 beer, wine, or distilled spirits systems at regular intervals
13 and may provide labor to replace or install dispensing
14 accessories.

15 Coil cleaning supplies consisting of detergents, cleaning
16 chemicals, brushes, or similar type cleaning devices may be
17 sold at a price not less than the cost to the manufacturer,
18 distributor, or importing distributor.

19 (a-5) A manufacturer of beer licensed under subsection (e)
20 of Section 6-4 or a brew pub may transfer any beer manufactured
21 or sold on its licensed premises to a growler or crowler and
22 sell those growlers or crowlers to non-licensees for
23 consumption off the premises. A manufacturer of beer under
24 subsection (e) of Section 6-4 or a brew pub is not subject to
25 subsection (b) of this Section.

26 (b) An on-premises retail licensee may transfer beer to a

1 growler or crowler, which is not an original manufacturer
2 container, but is a reusable rigid container that holds up to
3 128 fluid ounces of beer and is designed to be sealed on
4 premises by the licensee for off-premises consumption, if the
5 following requirements are met:

6 (1) the beer is transferred within the licensed
7 premises by an employee of the licensed premises at the
8 time of sale;

9 (2) the person transferring the alcohol to be sold to
10 the end consumer is 21 years of age or older;

11 (3) the growler or crowler holds no more than 128 fluid
12 ounces;

13 (4) the growler or crowler bears a twist-type closure,
14 cork, stopper, or plug and includes a one-time use
15 tamper-proof seal;

16 (5) the growler or crowler is affixed with a label or
17 tag that contains the following information:

18 (A) the brand name of the product dispensed;

19 (B) the name of the brewer or bottler;

20 (C) the type of product, such as beer, ale, lager,
21 bock, stout, or other brewed or fermented beverage;

22 (D) the net contents;

23 (E) the name and address of the business that
24 cleaned, sanitized, labeled, and filled or refilled
25 the growler or crowler; and

26 (F) the date the growler or crowler was filled or

1 refilled;

2 (5.5) the growler or crowler has been purged with CO₂
3 prior to sealing the container;

4 (6) the on-premises retail licensee complies with the
5 sanitation requirements under subsections (a) through (c)
6 of 11 Ill. Adm. Code 100.160 when sanitizing the dispensing
7 equipment used to draw beer to fill the growler or crowler
8 or refill the growler;

9 (7) before filling the growler or crowler or refilling
10 the growler, the on-premises retail licensee or licensee's
11 employee shall clean and sanitize the growler or crowler in
12 one of the following manners:

13 (A) By manual washing in a 3-compartment sink.

14 (i) Before sanitizing the growler or crowler,
15 the sinks and work area shall be cleaned to remove
16 any chemicals, oils, or grease from other cleaning
17 activities.

18 (ii) Any residual liquid from the growler
19 shall be emptied into a drain. A growler shall not
20 be emptied into the cleaning water.

21 (iii) The growler and cap shall be cleaned in
22 water and detergent. The water temperature shall
23 be, at a minimum, 110 degrees Fahrenheit or the
24 temperature specified on the cleaning agent
25 manufacturer's label instructions. The detergent
26 shall not be fat-based or oil-based.

1 (iv) Any residues on the interior and exterior
2 of the growler shall be removed.

3 (v) The growler and cap shall be rinsed with
4 water in the middle compartment. Rinsing may be
5 from the spigot with a spray arm, from a spigot, or
6 from a tub as long as the water for rinsing is not
7 stagnant but is continually refreshed.

8 (vi) The growler shall be sanitized in the
9 third compartment. Chemical sanitizer shall be
10 used in accordance with the United States
11 Environmental Protection Agency-registered label
12 use instructions and shall meet the minimum water
13 temperature requirements of that chemical.

14 (vii) A test kit or other device that
15 accurately measures the concentration in
16 milligrams per liter of chemical sanitizing
17 solutions shall be provided and be readily
18 accessible for use.

19 (B) By using a mechanical washing and sanitizing
20 machine.

21 (i) Mechanical washing and sanitizing machines
22 shall be provided with an easily accessible and
23 readable data plate affixed to the machine by the
24 manufacturer and shall be used according to the
25 machine's design and operation specifications.

26 (ii) Mechanical washing and sanitizing

1 machines shall be equipped with chemical or hot
2 water sanitization.

3 (iii) The concentration of the sanitizing
4 solution or the water temperature shall be
5 accurately determined by using a test kit or other
6 device.

7 (iv) The machine shall be regularly serviced
8 based upon the manufacturer's or installer's
9 guidelines.

10 (C) By transferring beer to a growler or crowler
11 with a tube.

12 (i) Beer may be transferred to a growler or
13 crowler from the bottom of the growler or crowler
14 to the top with a tube that is attached to the tap
15 and extends to the bottom of the growler or crowler
16 or with a commercial filling machine.

17 (ii) Food grade sanitizer shall be used in
18 accordance with the United States Environmental
19 Protection Agency-registered label use
20 instructions.

21 (iii) A container of liquid food grade
22 sanitizer shall be maintained for no more than 10
23 malt beverage taps that will be used for filling
24 growlers or crowlers and refilling growlers.

25 (iv) Each container shall contain no less than
26 5 tubes that will be used only for filling growlers

1 or crowlers and refilling growlers.

2 (v) The growler or crowler must be inspected
3 visually for contamination.

4 (vi) After each transfer of beer to a growler
5 or crowler, the tube shall be immersed in the
6 container with the liquid food grade sanitizer.

7 (vii) A different tube from the container must
8 be used for each fill of a growler or crowler or
9 refill of a growler.

10 (c) Growlers and crowlers that comply with items (4) and
11 (5) of subsection (b) shall not be deemed an unsealed container
12 for purposes of Section 11-502 of the Illinois Vehicle Code.

13 (d) Growlers and crowlers, as described and authorized
14 under this Section, are not original packages for the purposes
15 of this Act. Upon a consumer taking possession of a growler or
16 crowler from an on-premises retail licensee, the growler or
17 crowler and its contents are deemed to be in the sole custody,
18 control, and care of the consumer.

19 (Source: P.A. 101-16, eff. 6-14-19; 101-517, eff. 8-23-19;
20 revised 9-18-19.)

21 Section 520. The Illinois Public Aid Code is amended by
22 changing Sections 5-5, 5-5.07, 5-5.2, 5-5e, 5-16.8, 5A-8, 5H-1,
23 5H-5, 5H-6, 11-5.4, and 14-12, by setting forth and renumbering
24 multiple versions of Section 5-30.11 and 12-4.13c, and by
25 setting forth, renumbering, and changing multiple versions of

1 Section 5-36 as follows:

2 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

3 Sec. 5-5. Medical services. The Illinois Department, by
4 rule, shall determine the quantity and quality of and the rate
5 of reimbursement for the medical assistance for which payment
6 will be authorized, and the medical services to be provided,
7 which may include all or part of the following: (1) inpatient
8 hospital services; (2) outpatient hospital services; (3) other
9 laboratory and X-ray services; (4) skilled nursing home
10 services; (5) physicians' services whether furnished in the
11 office, the patient's home, a hospital, a skilled nursing home,
12 or elsewhere; (6) medical care, or any other type of remedial
13 care furnished by licensed practitioners; (7) home health care
14 services; (8) private duty nursing service; (9) clinic
15 services; (10) dental services, including prevention and
16 treatment of periodontal disease and dental caries disease for
17 pregnant women, provided by an individual licensed to practice
18 dentistry or dental surgery; for purposes of this item (10),
19 "dental services" means diagnostic, preventive, or corrective
20 procedures provided by or under the supervision of a dentist in
21 the practice of his or her profession; (11) physical therapy
22 and related services; (12) prescribed drugs, dentures, and
23 prosthetic devices; and eyeglasses prescribed by a physician
24 skilled in the diseases of the eye, or by an optometrist,
25 whichever the person may select; (13) other diagnostic,

1 screening, preventive, and rehabilitative services, including
2 to ensure that the individual's need for intervention or
3 treatment of mental disorders or substance use disorders or
4 co-occurring mental health and substance use disorders is
5 determined using a uniform screening, assessment, and
6 evaluation process inclusive of criteria, for children and
7 adults; for purposes of this item (13), a uniform screening,
8 assessment, and evaluation process refers to a process that
9 includes an appropriate evaluation and, as warranted, a
10 referral; "uniform" does not mean the use of a singular
11 instrument, tool, or process that all must utilize; (14)
12 transportation and such other expenses as may be necessary;
13 (15) medical treatment of sexual assault survivors, as defined
14 in Section 1a of the Sexual Assault Survivors Emergency
15 Treatment Act, for injuries sustained as a result of the sexual
16 assault, including examinations and laboratory tests to
17 discover evidence which may be used in criminal proceedings
18 arising from the sexual assault; (16) the diagnosis and
19 treatment of sickle cell anemia; and (17) any other medical
20 care, and any other type of remedial care recognized under the
21 laws of this State. The term "any other type of remedial care"
22 shall include nursing care and nursing home service for persons
23 who rely on treatment by spiritual means alone through prayer
24 for healing.

25 Notwithstanding any other provision of this Section, a
26 comprehensive tobacco use cessation program that includes

1 purchasing prescription drugs or prescription medical devices
2 approved by the Food and Drug Administration shall be covered
3 under the medical assistance program under this Article for
4 persons who are otherwise eligible for assistance under this
5 Article.

6 Notwithstanding any other provision of this Code,
7 reproductive health care that is otherwise legal in Illinois
8 shall be covered under the medical assistance program for
9 persons who are otherwise eligible for medical assistance under
10 this Article.

11 Notwithstanding any other provision of this Code, the
12 Illinois Department may not require, as a condition of payment
13 for any laboratory test authorized under this Article, that a
14 physician's handwritten signature appear on the laboratory
15 test order form. The Illinois Department may, however, impose
16 other appropriate requirements regarding laboratory test order
17 documentation.

18 Upon receipt of federal approval of an amendment to the
19 Illinois Title XIX State Plan for this purpose, the Department
20 shall authorize the Chicago Public Schools (CPS) to procure a
21 vendor or vendors to manufacture eyeglasses for individuals
22 enrolled in a school within the CPS system. CPS shall ensure
23 that its vendor or vendors are enrolled as providers in the
24 medical assistance program and in any capitated Medicaid
25 managed care entity (MCE) serving individuals enrolled in a
26 school within the CPS system. Under any contract procured under

1 this provision, the vendor or vendors must serve only
2 individuals enrolled in a school within the CPS system. Claims
3 for services provided by CPS's vendor or vendors to recipients
4 of benefits in the medical assistance program under this Code,
5 the Children's Health Insurance Program, or the Covering ALL
6 KIDS Health Insurance Program shall be submitted to the
7 Department or the MCE in which the individual is enrolled for
8 payment and shall be reimbursed at the Department's or the
9 MCE's established rates or rate methodologies for eyeglasses.

10 On and after July 1, 2012, the Department of Healthcare and
11 Family Services may provide the following services to persons
12 eligible for assistance under this Article who are
13 participating in education, training or employment programs
14 operated by the Department of Human Services as successor to
15 the Department of Public Aid:

16 (1) dental services provided by or under the
17 supervision of a dentist; and

18 (2) eyeglasses prescribed by a physician skilled in the
19 diseases of the eye, or by an optometrist, whichever the
20 person may select.

21 On and after July 1, 2018, the Department of Healthcare and
22 Family Services shall provide dental services to any adult who
23 is otherwise eligible for assistance under the medical
24 assistance program. As used in this paragraph, "dental
25 services" means diagnostic, preventative, restorative, or
26 corrective procedures, including procedures and services for

1 the prevention and treatment of periodontal disease and dental
2 caries disease, provided by an individual who is licensed to
3 practice dentistry or dental surgery or who is under the
4 supervision of a dentist in the practice of his or her
5 profession.

6 On and after July 1, 2018, targeted dental services, as set
7 forth in Exhibit D of the Consent Decree entered by the United
8 States District Court for the Northern District of Illinois,
9 Eastern Division, in the matter of Memisovski v. Maram, Case
10 No. 92 C 1982, that are provided to adults under the medical
11 assistance program shall be established at no less than the
12 rates set forth in the "New Rate" column in Exhibit D of the
13 Consent Decree for targeted dental services that are provided
14 to persons under the age of 18 under the medical assistance
15 program.

16 Notwithstanding any other provision of this Code and
17 subject to federal approval, the Department may adopt rules to
18 allow a dentist who is volunteering his or her service at no
19 cost to render dental services through an enrolled
20 not-for-profit health clinic without the dentist personally
21 enrolling as a participating provider in the medical assistance
22 program. A not-for-profit health clinic shall include a public
23 health clinic or Federally Qualified Health Center or other
24 enrolled provider, as determined by the Department, through
25 which dental services covered under this Section are performed.
26 The Department shall establish a process for payment of claims

1 for reimbursement for covered dental services rendered under
2 this provision.

3 The Illinois Department, by rule, may distinguish and
4 classify the medical services to be provided only in accordance
5 with the classes of persons designated in Section 5-2.

6 The Department of Healthcare and Family Services must
7 provide coverage and reimbursement for amino acid-based
8 elemental formulas, regardless of delivery method, for the
9 diagnosis and treatment of (i) eosinophilic disorders and (ii)
10 short bowel syndrome when the prescribing physician has issued
11 a written order stating that the amino acid-based elemental
12 formula is medically necessary.

13 The Illinois Department shall authorize the provision of,
14 and shall authorize payment for, screening by low-dose
15 mammography for the presence of occult breast cancer for women
16 35 years of age or older who are eligible for medical
17 assistance under this Article, as follows:

18 (A) A baseline mammogram for women 35 to 39 years of
19 age.

20 (B) An annual mammogram for women 40 years of age or
21 older.

22 (C) A mammogram at the age and intervals considered
23 medically necessary by the woman's health care provider for
24 women under 40 years of age and having a family history of
25 breast cancer, prior personal history of breast cancer,
26 positive genetic testing, or other risk factors.

1 (D) A comprehensive ultrasound screening and MRI of an
2 entire breast or breasts if a mammogram demonstrates
3 heterogeneous or dense breast tissue or when medically
4 necessary as determined by a physician licensed to practice
5 medicine in all of its branches.

6 (E) A screening MRI when medically necessary, as
7 determined by a physician licensed to practice medicine in
8 all of its branches.

9 (F) A diagnostic mammogram when medically necessary,
10 as determined by a physician licensed to practice medicine
11 in all its branches, advanced practice registered nurse, or
12 physician assistant.

13 The Department shall not impose a deductible, coinsurance,
14 copayment, or any other cost-sharing requirement on the
15 coverage provided under this paragraph; except that this
16 sentence does not apply to coverage of diagnostic mammograms to
17 the extent such coverage would disqualify a high-deductible
18 health plan from eligibility for a health savings account
19 pursuant to Section 223 of the Internal Revenue Code (26 U.S.C.
20 223).

21 All screenings shall include a physical breast exam,
22 instruction on self-examination and information regarding the
23 frequency of self-examination and its value as a preventative
24 tool.

25 For purposes of this Section:

26 "Diagnostic mammogram" means a mammogram obtained using

1 diagnostic mammography.

2 "Diagnostic mammography" means a method of screening that
3 is designed to evaluate an abnormality in a breast, including
4 an abnormality seen or suspected on a screening mammogram or a
5 subjective or objective abnormality otherwise detected in the
6 breast.

7 "Low-dose mammography" means the x-ray examination of the
8 breast using equipment dedicated specifically for mammography,
9 including the x-ray tube, filter, compression device, and image
10 receptor, with an average radiation exposure delivery of less
11 than one rad per breast for 2 views of an average size breast.
12 The term also includes digital mammography and includes breast
13 tomosynthesis.

14 "Breast tomosynthesis" means a radiologic procedure that
15 involves the acquisition of projection images over the
16 stationary breast to produce cross-sectional digital
17 three-dimensional images of the breast.

18 If, at any time, the Secretary of the United States
19 Department of Health and Human Services, or its successor
20 agency, promulgates rules or regulations to be published in the
21 Federal Register or publishes a comment in the Federal Register
22 or issues an opinion, guidance, or other action that would
23 require the State, pursuant to any provision of the Patient
24 Protection and Affordable Care Act (Public Law 111-148),
25 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any
26 successor provision, to defray the cost of any coverage for

1 breast tomosynthesis outlined in this paragraph, then the
2 requirement that an insurer cover breast tomosynthesis is
3 inoperative other than any such coverage authorized under
4 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
5 the State shall not assume any obligation for the cost of
6 coverage for breast tomosynthesis set forth in this paragraph.

7 On and after January 1, 2016, the Department shall ensure
8 that all networks of care for adult clients of the Department
9 include access to at least one breast imaging Center of Imaging
10 Excellence as certified by the American College of Radiology.

11 On and after January 1, 2012, providers participating in a
12 quality improvement program approved by the Department shall be
13 reimbursed for screening and diagnostic mammography at the same
14 rate as the Medicare program's rates, including the increased
15 reimbursement for digital mammography.

16 The Department shall convene an expert panel including
17 representatives of hospitals, free-standing mammography
18 facilities, and doctors, including radiologists, to establish
19 quality standards for mammography.

20 On and after January 1, 2017, providers participating in a
21 breast cancer treatment quality improvement program approved
22 by the Department shall be reimbursed for breast cancer
23 treatment at a rate that is no lower than 95% of the Medicare
24 program's rates for the data elements included in the breast
25 cancer treatment quality program.

26 The Department shall convene an expert panel, including

1 representatives of hospitals, free-standing breast cancer
2 treatment centers, breast cancer quality organizations, and
3 doctors, including breast surgeons, reconstructive breast
4 surgeons, oncologists, and primary care providers to establish
5 quality standards for breast cancer treatment.

6 Subject to federal approval, the Department shall
7 establish a rate methodology for mammography at federally
8 qualified health centers and other encounter-rate clinics.
9 These clinics or centers may also collaborate with other
10 hospital-based mammography facilities. By January 1, 2016, the
11 Department shall report to the General Assembly on the status
12 of the provision set forth in this paragraph.

13 The Department shall establish a methodology to remind
14 women who are age-appropriate for screening mammography, but
15 who have not received a mammogram within the previous 18
16 months, of the importance and benefit of screening mammography.
17 The Department shall work with experts in breast cancer
18 outreach and patient navigation to optimize these reminders and
19 shall establish a methodology for evaluating their
20 effectiveness and modifying the methodology based on the
21 evaluation.

22 The Department shall establish a performance goal for
23 primary care providers with respect to their female patients
24 over age 40 receiving an annual mammogram. This performance
25 goal shall be used to provide additional reimbursement in the
26 form of a quality performance bonus to primary care providers

1 who meet that goal.

2 The Department shall devise a means of case-managing or
3 patient navigation for beneficiaries diagnosed with breast
4 cancer. This program shall initially operate as a pilot program
5 in areas of the State with the highest incidence of mortality
6 related to breast cancer. At least one pilot program site shall
7 be in the metropolitan Chicago area and at least one site shall
8 be outside the metropolitan Chicago area. On or after July 1,
9 2016, the pilot program shall be expanded to include one site
10 in western Illinois, one site in southern Illinois, one site in
11 central Illinois, and 4 sites within metropolitan Chicago. An
12 evaluation of the pilot program shall be carried out measuring
13 health outcomes and cost of care for those served by the pilot
14 program compared to similarly situated patients who are not
15 served by the pilot program.

16 The Department shall require all networks of care to
17 develop a means either internally or by contract with experts
18 in navigation and community outreach to navigate cancer
19 patients to comprehensive care in a timely fashion. The
20 Department shall require all networks of care to include access
21 for patients diagnosed with cancer to at least one academic
22 commission on cancer-accredited cancer program as an
23 in-network covered benefit.

24 Any medical or health care provider shall immediately
25 recommend, to any pregnant woman who is being provided prenatal
26 services and is suspected of having a substance use disorder as

1 defined in the Substance Use Disorder Act, referral to a local
2 substance use disorder treatment program licensed by the
3 Department of Human Services or to a licensed hospital which
4 provides substance abuse treatment services. The Department of
5 Healthcare and Family Services shall assure coverage for the
6 cost of treatment of the drug abuse or addiction for pregnant
7 recipients in accordance with the Illinois Medicaid Program in
8 conjunction with the Department of Human Services.

9 All medical providers providing medical assistance to
10 pregnant women under this Code shall receive information from
11 the Department on the availability of services under any
12 program providing case management services for addicted women,
13 including information on appropriate referrals for other
14 social services that may be needed by addicted women in
15 addition to treatment for addiction.

16 The Illinois Department, in cooperation with the
17 Departments of Human Services (as successor to the Department
18 of Alcoholism and Substance Abuse) and Public Health, through a
19 public awareness campaign, may provide information concerning
20 treatment for alcoholism and drug abuse and addiction, prenatal
21 health care, and other pertinent programs directed at reducing
22 the number of drug-affected infants born to recipients of
23 medical assistance.

24 Neither the Department of Healthcare and Family Services
25 nor the Department of Human Services shall sanction the
26 recipient solely on the basis of her substance abuse.

1 The Illinois Department shall establish such regulations
2 governing the dispensing of health services under this Article
3 as it shall deem appropriate. The Department should seek the
4 advice of formal professional advisory committees appointed by
5 the Director of the Illinois Department for the purpose of
6 providing regular advice on policy and administrative matters,
7 information dissemination and educational activities for
8 medical and health care providers, and consistency in
9 procedures to the Illinois Department.

10 The Illinois Department may develop and contract with
11 Partnerships of medical providers to arrange medical services
12 for persons eligible under Section 5-2 of this Code.
13 Implementation of this Section may be by demonstration projects
14 in certain geographic areas. The Partnership shall be
15 represented by a sponsor organization. The Department, by rule,
16 shall develop qualifications for sponsors of Partnerships.
17 Nothing in this Section shall be construed to require that the
18 sponsor organization be a medical organization.

19 The sponsor must negotiate formal written contracts with
20 medical providers for physician services, inpatient and
21 outpatient hospital care, home health services, treatment for
22 alcoholism and substance abuse, and other services determined
23 necessary by the Illinois Department by rule for delivery by
24 Partnerships. Physician services must include prenatal and
25 obstetrical care. The Illinois Department shall reimburse
26 medical services delivered by Partnership providers to clients

1 in target areas according to provisions of this Article and the
2 Illinois Health Finance Reform Act, except that:

3 (1) Physicians participating in a Partnership and
4 providing certain services, which shall be determined by
5 the Illinois Department, to persons in areas covered by the
6 Partnership may receive an additional surcharge for such
7 services.

8 (2) The Department may elect to consider and negotiate
9 financial incentives to encourage the development of
10 Partnerships and the efficient delivery of medical care.

11 (3) Persons receiving medical services through
12 Partnerships may receive medical and case management
13 services above the level usually offered through the
14 medical assistance program.

15 Medical providers shall be required to meet certain
16 qualifications to participate in Partnerships to ensure the
17 delivery of high quality medical services. These
18 qualifications shall be determined by rule of the Illinois
19 Department and may be higher than qualifications for
20 participation in the medical assistance program. Partnership
21 sponsors may prescribe reasonable additional qualifications
22 for participation by medical providers, only with the prior
23 written approval of the Illinois Department.

24 Nothing in this Section shall limit the free choice of
25 practitioners, hospitals, and other providers of medical
26 services by clients. In order to ensure patient freedom of

1 choice, the Illinois Department shall immediately promulgate
2 all rules and take all other necessary actions so that provided
3 services may be accessed from therapeutically certified
4 optometrists to the full extent of the Illinois Optometric
5 Practice Act of 1987 without discriminating between service
6 providers.

7 The Department shall apply for a waiver from the United
8 States Health Care Financing Administration to allow for the
9 implementation of Partnerships under this Section.

10 The Illinois Department shall require health care
11 providers to maintain records that document the medical care
12 and services provided to recipients of Medical Assistance under
13 this Article. Such records must be retained for a period of not
14 less than 6 years from the date of service or as provided by
15 applicable State law, whichever period is longer, except that
16 if an audit is initiated within the required retention period
17 then the records must be retained until the audit is completed
18 and every exception is resolved. The Illinois Department shall
19 require health care providers to make available, when
20 authorized by the patient, in writing, the medical records in a
21 timely fashion to other health care providers who are treating
22 or serving persons eligible for Medical Assistance under this
23 Article. All dispensers of medical services shall be required
24 to maintain and retain business and professional records
25 sufficient to fully and accurately document the nature, scope,
26 details and receipt of the health care provided to persons

1 eligible for medical assistance under this Code, in accordance
2 with regulations promulgated by the Illinois Department. The
3 rules and regulations shall require that proof of the receipt
4 of prescription drugs, dentures, prosthetic devices and
5 eyeglasses by eligible persons under this Section accompany
6 each claim for reimbursement submitted by the dispenser of such
7 medical services. No such claims for reimbursement shall be
8 approved for payment by the Illinois Department without such
9 proof of receipt, unless the Illinois Department shall have put
10 into effect and shall be operating a system of post-payment
11 audit and review which shall, on a sampling basis, be deemed
12 adequate by the Illinois Department to assure that such drugs,
13 dentures, prosthetic devices and eyeglasses for which payment
14 is being made are actually being received by eligible
15 recipients. Within 90 days after September 16, 1984 (the
16 effective date of Public Act 83-1439), the Illinois Department
17 shall establish a current list of acquisition costs for all
18 prosthetic devices and any other items recognized as medical
19 equipment and supplies reimbursable under this Article and
20 shall update such list on a quarterly basis, except that the
21 acquisition costs of all prescription drugs shall be updated no
22 less frequently than every 30 days as required by Section
23 5-5.12.

24 Notwithstanding any other law to the contrary, the Illinois
25 Department shall, within 365 days after July 22, 2013 (the
26 effective date of Public Act 98-104), establish procedures to

1 permit skilled care facilities licensed under the Nursing Home
2 Care Act to submit monthly billing claims for reimbursement
3 purposes. Following development of these procedures, the
4 Department shall, by July 1, 2016, test the viability of the
5 new system and implement any necessary operational or
6 structural changes to its information technology platforms in
7 order to allow for the direct acceptance and payment of nursing
8 home claims.

9 Notwithstanding any other law to the contrary, the Illinois
10 Department shall, within 365 days after August 15, 2014 (the
11 effective date of Public Act 98-963), establish procedures to
12 permit ID/DD facilities licensed under the ID/DD Community Care
13 Act and MC/DD facilities licensed under the MC/DD Act to submit
14 monthly billing claims for reimbursement purposes. Following
15 development of these procedures, the Department shall have an
16 additional 365 days to test the viability of the new system and
17 to ensure that any necessary operational or structural changes
18 to its information technology platforms are implemented.

19 The Illinois Department shall require all dispensers of
20 medical services, other than an individual practitioner or
21 group of practitioners, desiring to participate in the Medical
22 Assistance program established under this Article to disclose
23 all financial, beneficial, ownership, equity, surety or other
24 interests in any and all firms, corporations, partnerships,
25 associations, business enterprises, joint ventures, agencies,
26 institutions or other legal entities providing any form of

1 health care services in this State under this Article.

2 The Illinois Department may require that all dispensers of
3 medical services desiring to participate in the medical
4 assistance program established under this Article disclose,
5 under such terms and conditions as the Illinois Department may
6 by rule establish, all inquiries from clients and attorneys
7 regarding medical bills paid by the Illinois Department, which
8 inquiries could indicate potential existence of claims or liens
9 for the Illinois Department.

10 Enrollment of a vendor shall be subject to a provisional
11 period and shall be conditional for one year. During the period
12 of conditional enrollment, the Department may terminate the
13 vendor's eligibility to participate in, or may disenroll the
14 vendor from, the medical assistance program without cause.
15 Unless otherwise specified, such termination of eligibility or
16 disenrollment is not subject to the Department's hearing
17 process. However, a disenrolled vendor may reapply without
18 penalty.

19 The Department has the discretion to limit the conditional
20 enrollment period for vendors based upon category of risk of
21 the vendor.

22 Prior to enrollment and during the conditional enrollment
23 period in the medical assistance program, all vendors shall be
24 subject to enhanced oversight, screening, and review based on
25 the risk of fraud, waste, and abuse that is posed by the
26 category of risk of the vendor. The Illinois Department shall

1 establish the procedures for oversight, screening, and review,
2 which may include, but need not be limited to: criminal and
3 financial background checks; fingerprinting; license,
4 certification, and authorization verifications; unscheduled or
5 unannounced site visits; database checks; prepayment audit
6 reviews; audits; payment caps; payment suspensions; and other
7 screening as required by federal or State law.

8 The Department shall define or specify the following: (i)
9 by provider notice, the "category of risk of the vendor" for
10 each type of vendor, which shall take into account the level of
11 screening applicable to a particular category of vendor under
12 federal law and regulations; (ii) by rule or provider notice,
13 the maximum length of the conditional enrollment period for
14 each category of risk of the vendor; and (iii) by rule, the
15 hearing rights, if any, afforded to a vendor in each category
16 of risk of the vendor that is terminated or disenrolled during
17 the conditional enrollment period.

18 To be eligible for payment consideration, a vendor's
19 payment claim or bill, either as an initial claim or as a
20 resubmitted claim following prior rejection, must be received
21 by the Illinois Department, or its fiscal intermediary, no
22 later than 180 days after the latest date on the claim on which
23 medical goods or services were provided, with the following
24 exceptions:

- 25 (1) In the case of a provider whose enrollment is in
26 process by the Illinois Department, the 180-day period

1 shall not begin until the date on the written notice from
2 the Illinois Department that the provider enrollment is
3 complete.

4 (2) In the case of errors attributable to the Illinois
5 Department or any of its claims processing intermediaries
6 which result in an inability to receive, process, or
7 adjudicate a claim, the 180-day period shall not begin
8 until the provider has been notified of the error.

9 (3) In the case of a provider for whom the Illinois
10 Department initiates the monthly billing process.

11 (4) In the case of a provider operated by a unit of
12 local government with a population exceeding 3,000,000
13 when local government funds finance federal participation
14 for claims payments.

15 For claims for services rendered during a period for which
16 a recipient received retroactive eligibility, claims must be
17 filed within 180 days after the Department determines the
18 applicant is eligible. For claims for which the Illinois
19 Department is not the primary payer, claims must be submitted
20 to the Illinois Department within 180 days after the final
21 adjudication by the primary payer.

22 In the case of long term care facilities, within 45
23 calendar days of receipt by the facility of required
24 prescreening information, new admissions with associated
25 admission documents shall be submitted through the Medical
26 Electronic Data Interchange (MEDI) or the Recipient

1 Eligibility Verification (REV) System or shall be submitted
2 directly to the Department of Human Services using required
3 admission forms. Effective September 1, 2014, admission
4 documents, including all prescreening information, must be
5 submitted through MEDI or REV. Confirmation numbers assigned to
6 an accepted transaction shall be retained by a facility to
7 verify timely submittal. Once an admission transaction has been
8 completed, all resubmitted claims following prior rejection
9 are subject to receipt no later than 180 days after the
10 admission transaction has been completed.

11 Claims that are not submitted and received in compliance
12 with the foregoing requirements shall not be eligible for
13 payment under the medical assistance program, and the State
14 shall have no liability for payment of those claims.

15 To the extent consistent with applicable information and
16 privacy, security, and disclosure laws, State and federal
17 agencies and departments shall provide the Illinois Department
18 access to confidential and other information and data necessary
19 to perform eligibility and payment verifications and other
20 Illinois Department functions. This includes, but is not
21 limited to: information pertaining to licensure;
22 certification; earnings; immigration status; citizenship; wage
23 reporting; unearned and earned income; pension income;
24 employment; supplemental security income; social security
25 numbers; National Provider Identifier (NPI) numbers; the
26 National Practitioner Data Bank (NPDB); program and agency

1 exclusions; taxpayer identification numbers; tax delinquency;
2 corporate information; and death records.

3 The Illinois Department shall enter into agreements with
4 State agencies and departments, and is authorized to enter into
5 agreements with federal agencies and departments, under which
6 such agencies and departments shall share data necessary for
7 medical assistance program integrity functions and oversight.
8 The Illinois Department shall develop, in cooperation with
9 other State departments and agencies, and in compliance with
10 applicable federal laws and regulations, appropriate and
11 effective methods to share such data. At a minimum, and to the
12 extent necessary to provide data sharing, the Illinois
13 Department shall enter into agreements with State agencies and
14 departments, and is authorized to enter into agreements with
15 federal agencies and departments, including, but not limited
16 to: the Secretary of State; the Department of Revenue; the
17 Department of Public Health; the Department of Human Services;
18 and the Department of Financial and Professional Regulation.

19 Beginning in fiscal year 2013, the Illinois Department
20 shall set forth a request for information to identify the
21 benefits of a pre-payment, post-adjudication, and post-edit
22 claims system with the goals of streamlining claims processing
23 and provider reimbursement, reducing the number of pending or
24 rejected claims, and helping to ensure a more transparent
25 adjudication process through the utilization of: (i) provider
26 data verification and provider screening technology; and (ii)

1 clinical code editing; and (iii) pre-pay, pre- or
2 post-adjudicated predictive modeling with an integrated case
3 management system with link analysis. Such a request for
4 information shall not be considered as a request for proposal
5 or as an obligation on the part of the Illinois Department to
6 take any action or acquire any products or services.

7 The Illinois Department shall establish policies,
8 procedures, standards and criteria by rule for the acquisition,
9 repair and replacement of orthotic and prosthetic devices and
10 durable medical equipment. Such rules shall provide, but not be
11 limited to, the following services: (1) immediate repair or
12 replacement of such devices by recipients; and (2) rental,
13 lease, purchase or lease-purchase of durable medical equipment
14 in a cost-effective manner, taking into consideration the
15 recipient's medical prognosis, the extent of the recipient's
16 needs, and the requirements and costs for maintaining such
17 equipment. Subject to prior approval, such rules shall enable a
18 recipient to temporarily acquire and use alternative or
19 substitute devices or equipment pending repairs or
20 replacements of any device or equipment previously authorized
21 for such recipient by the Department. Notwithstanding any
22 provision of Section 5-5f to the contrary, the Department may,
23 by rule, exempt certain replacement wheelchair parts from prior
24 approval and, for wheelchairs, wheelchair parts, wheelchair
25 accessories, and related seating and positioning items,
26 determine the wholesale price by methods other than actual

1 acquisition costs.

2 The Department shall require, by rule, all providers of
3 durable medical equipment to be accredited by an accreditation
4 organization approved by the federal Centers for Medicare and
5 Medicaid Services and recognized by the Department in order to
6 bill the Department for providing durable medical equipment to
7 recipients. No later than 15 months after the effective date of
8 the rule adopted pursuant to this paragraph, all providers must
9 meet the accreditation requirement.

10 In order to promote environmental responsibility, meet the
11 needs of recipients and enrollees, and achieve significant cost
12 savings, the Department, or a managed care organization under
13 contract with the Department, may provide recipients or managed
14 care enrollees who have a prescription or Certificate of
15 Medical Necessity access to refurbished durable medical
16 equipment under this Section (excluding prosthetic and
17 orthotic devices as defined in the Orthotics, Prosthetics, and
18 Pedorthics Practice Act and complex rehabilitation technology
19 products and associated services) through the State's
20 assistive technology program's reutilization program, using
21 staff with the Assistive Technology Professional (ATP)
22 Certification if the refurbished durable medical equipment:
23 (i) is available; (ii) is less expensive, including shipping
24 costs, than new durable medical equipment of the same type;
25 (iii) is able to withstand at least 3 years of use; (iv) is
26 cleaned, disinfected, sterilized, and safe in accordance with

1 federal Food and Drug Administration regulations and guidance
2 governing the reprocessing of medical devices in health care
3 settings; and (v) equally meets the needs of the recipient or
4 enrollee. The reutilization program shall confirm that the
5 recipient or enrollee is not already in receipt of same or
6 similar equipment from another service provider, and that the
7 refurbished durable medical equipment equally meets the needs
8 of the recipient or enrollee. Nothing in this paragraph shall
9 be construed to limit recipient or enrollee choice to obtain
10 new durable medical equipment or place any additional prior
11 authorization conditions on enrollees of managed care
12 organizations.

13 The Department shall execute, relative to the nursing home
14 prescreening project, written inter-agency agreements with the
15 Department of Human Services and the Department on Aging, to
16 effect the following: (i) intake procedures and common
17 eligibility criteria for those persons who are receiving
18 non-institutional services; and (ii) the establishment and
19 development of non-institutional services in areas of the State
20 where they are not currently available or are undeveloped; and
21 (iii) notwithstanding any other provision of law, subject to
22 federal approval, on and after July 1, 2012, an increase in the
23 determination of need (DON) scores from 29 to 37 for applicants
24 for institutional and home and community-based long term care;
25 if and only if federal approval is not granted, the Department
26 may, in conjunction with other affected agencies, implement

1 utilization controls or changes in benefit packages to
2 effectuate a similar savings amount for this population; and
3 (iv) no later than July 1, 2013, minimum level of care
4 eligibility criteria for institutional and home and
5 community-based long term care; and (v) no later than October
6 1, 2013, establish procedures to permit long term care
7 providers access to eligibility scores for individuals with an
8 admission date who are seeking or receiving services from the
9 long term care provider. In order to select the minimum level
10 of care eligibility criteria, the Governor shall establish a
11 workgroup that includes affected agency representatives and
12 stakeholders representing the institutional and home and
13 community-based long term care interests. This Section shall
14 not restrict the Department from implementing lower level of
15 care eligibility criteria for community-based services in
16 circumstances where federal approval has been granted.

17 The Illinois Department shall develop and operate, in
18 cooperation with other State Departments and agencies and in
19 compliance with applicable federal laws and regulations,
20 appropriate and effective systems of health care evaluation and
21 programs for monitoring of utilization of health care services
22 and facilities, as it affects persons eligible for medical
23 assistance under this Code.

24 The Illinois Department shall report annually to the
25 General Assembly, no later than the second Friday in April of
26 1979 and each year thereafter, in regard to:

1 (a) actual statistics and trends in utilization of
2 medical services by public aid recipients;

3 (b) actual statistics and trends in the provision of
4 the various medical services by medical vendors;

5 (c) current rate structures and proposed changes in
6 those rate structures for the various medical vendors; and

7 (d) efforts at utilization review and control by the
8 Illinois Department.

9 The period covered by each report shall be the 3 years
10 ending on the June 30 prior to the report. The report shall
11 include suggested legislation for consideration by the General
12 Assembly. The requirement for reporting to the General Assembly
13 shall be satisfied by filing copies of the report as required
14 by Section 3.1 of the General Assembly Organization Act, and
15 filing such additional copies with the State Government Report
16 Distribution Center for the General Assembly as is required
17 under paragraph (t) of Section 7 of the State Library Act.

18 Rulemaking authority to implement Public Act 95-1045, if
19 any, is conditioned on the rules being adopted in accordance
20 with all provisions of the Illinois Administrative Procedure
21 Act and all rules and procedures of the Joint Committee on
22 Administrative Rules; any purported rule not so adopted, for
23 whatever reason, is unauthorized.

24 On and after July 1, 2012, the Department shall reduce any
25 rate of reimbursement for services or other payments or alter
26 any methodologies authorized by this Code to reduce any rate of

1 reimbursement for services or other payments in accordance with
2 Section 5-5e.

3 Because kidney transplantation can be an appropriate,
4 cost-effective alternative to renal dialysis when medically
5 necessary and notwithstanding the provisions of Section 1-11 of
6 this Code, beginning October 1, 2014, the Department shall
7 cover kidney transplantation for noncitizens with end-stage
8 renal disease who are not eligible for comprehensive medical
9 benefits, who meet the residency requirements of Section 5-3 of
10 this Code, and who would otherwise meet the financial
11 requirements of the appropriate class of eligible persons under
12 Section 5-2 of this Code. To qualify for coverage of kidney
13 transplantation, such person must be receiving emergency renal
14 dialysis services covered by the Department. Providers under
15 this Section shall be prior approved and certified by the
16 Department to perform kidney transplantation and the services
17 under this Section shall be limited to services associated with
18 kidney transplantation.

19 Notwithstanding any other provision of this Code to the
20 contrary, on or after July 1, 2015, all FDA approved forms of
21 medication assisted treatment prescribed for the treatment of
22 alcohol dependence or treatment of opioid dependence shall be
23 covered under both fee for service and managed care medical
24 assistance programs for persons who are otherwise eligible for
25 medical assistance under this Article and shall not be subject
26 to any (1) utilization control, other than those established

1 under the American Society of Addiction Medicine patient
2 placement criteria, (2) prior authorization mandate, or (3)
3 lifetime restriction limit mandate.

4 On or after July 1, 2015, opioid antagonists prescribed for
5 the treatment of an opioid overdose, including the medication
6 product, administration devices, and any pharmacy fees related
7 to the dispensing and administration of the opioid antagonist,
8 shall be covered under the medical assistance program for
9 persons who are otherwise eligible for medical assistance under
10 this Article. As used in this Section, "opioid antagonist"
11 means a drug that binds to opioid receptors and blocks or
12 inhibits the effect of opioids acting on those receptors,
13 including, but not limited to, naloxone hydrochloride or any
14 other similarly acting drug approved by the U.S. Food and Drug
15 Administration.

16 Upon federal approval, the Department shall provide
17 coverage and reimbursement for all drugs that are approved for
18 marketing by the federal Food and Drug Administration and that
19 are recommended by the federal Public Health Service or the
20 United States Centers for Disease Control and Prevention for
21 pre-exposure prophylaxis and related pre-exposure prophylaxis
22 services, including, but not limited to, HIV and sexually
23 transmitted infection screening, treatment for sexually
24 transmitted infections, medical monitoring, assorted labs, and
25 counseling to reduce the likelihood of HIV infection among
26 individuals who are not infected with HIV but who are at high

1 risk of HIV infection.

2 A federally qualified health center, as defined in Section
3 1905(1)(2)(B) of the federal Social Security Act, shall be
4 reimbursed by the Department in accordance with the federally
5 qualified health center's encounter rate for services provided
6 to medical assistance recipients that are performed by a dental
7 hygienist, as defined under the Illinois Dental Practice Act,
8 working under the general supervision of a dentist and employed
9 by a federally qualified health center.

10 (Source: P.A. 100-201, eff. 8-18-17; 100-395, eff. 1-1-18;
11 100-449, eff. 1-1-18; 100-538, eff. 1-1-18; 100-587, eff.
12 6-4-18; 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-974,
13 eff. 8-19-18; 100-1009, eff. 1-1-19; 100-1018, eff. 1-1-19;
14 100-1148, eff. 12-10-18; 101-209, eff. 8-5-19; 101-580, eff.
15 1-1-20; revised 9-18-19.)

16 (305 ILCS 5/5-5.07)

17 Sec. 5-5.07. Inpatient psychiatric stay; DCFS per diem
18 rate. The Department of Children and Family Services shall pay
19 the DCFS per diem rate for inpatient psychiatric stay at a
20 free-standing psychiatric hospital effective the 11th day when
21 a child is in the hospital beyond medical necessity, and the
22 parent or caregiver has denied the child access to the home and
23 has refused or failed to make provisions for another living
24 arrangement for the child or the child's discharge is being
25 delayed due to a pending inquiry or investigation by the

1 Department of Children and Family Services. If any portion of a
2 hospital stay is reimbursed under this Section, the hospital
3 stay shall not be eligible for payment under the provisions of
4 Section 14-13 of this Code. This Section is inoperative on and
5 after July 1, 2020 ~~2019~~.

6 (Source: P.A. 100-646, eff. 7-27-18; reenacted by 101-15, eff.
7 6-14-19; reenacted by 101-209, eff. 8-5-19; revised 9-24-19.)

8 (305 ILCS 5/5-5.2) (from Ch. 23, par. 5-5.2)

9 Sec. 5-5.2. Payment.

10 (a) All nursing facilities that are grouped pursuant to
11 Section 5-5.1 of this Act shall receive the same rate of
12 payment for similar services.

13 (b) It shall be a matter of State policy that the Illinois
14 Department shall utilize a uniform billing cycle throughout the
15 State for the long-term care providers.

16 (c) Notwithstanding any other provisions of this Code, the
17 methodologies for reimbursement of nursing services as
18 provided under this Article shall no longer be applicable for
19 bills payable for nursing services rendered on or after a new
20 reimbursement system based on the Resource Utilization Groups
21 (RUGs) has been fully operationalized, which shall take effect
22 for services provided on or after January 1, 2014.

23 (d) The new nursing services reimbursement methodology
24 utilizing RUG-IV 48 grouper model, which shall be referred to
25 as the RUGs reimbursement system, taking effect January 1,

1 2014, shall be based on the following:

2 (1) The methodology shall be resident-driven,
3 facility-specific, and cost-based.

4 (2) Costs shall be annually rebased and case mix index
5 quarterly updated. The nursing services methodology will
6 be assigned to the Medicaid enrolled residents on record as
7 of 30 days prior to the beginning of the rate period in the
8 Department's Medicaid Management Information System (MMIS)
9 as present on the last day of the second quarter preceding
10 the rate period based upon the Assessment Reference Date of
11 the Minimum Data Set (MDS).

12 (3) Regional wage adjustors based on the Health Service
13 Areas (HSA) groupings and adjusters in effect on April 30,
14 2012 shall be included.

15 (4) Case mix index shall be assigned to each resident
16 class based on the Centers for Medicare and Medicaid
17 Services staff time measurement study in effect on July 1,
18 2013, utilizing an index maximization approach.

19 (5) The pool of funds available for distribution by
20 case mix and the base facility rate shall be determined
21 using the formula contained in subsection (d-1).

22 (d-1) Calculation of base year Statewide RUG-IV nursing
23 base per diem rate.

24 (1) Base rate spending pool shall be:

25 (A) The base year resident days which are
26 calculated by multiplying the number of Medicaid

1 residents in each nursing home as indicated in the MDS
2 data defined in paragraph (4) by 365.

3 (B) Each facility's nursing component per diem in
4 effect on July 1, 2012 shall be multiplied by
5 subsection (A).

6 (C) Thirteen million is added to the product of
7 subparagraph (A) and subparagraph (B) to adjust for the
8 exclusion of nursing homes defined in paragraph (5).

9 (2) For each nursing home with Medicaid residents as
10 indicated by the MDS data defined in paragraph (4),
11 weighted days adjusted for case mix and regional wage
12 adjustment shall be calculated. For each home this
13 calculation is the product of:

14 (A) Base year resident days as calculated in
15 subparagraph (A) of paragraph (1).

16 (B) The nursing home's regional wage adjustor
17 based on the Health Service Areas (HSA) groupings and
18 adjustors in effect on April 30, 2012.

19 (C) Facility weighted case mix which is the number
20 of Medicaid residents as indicated by the MDS data
21 defined in paragraph (4) multiplied by the associated
22 case weight for the RUG-IV 48 grouper model using
23 standard RUG-IV procedures for index maximization.

24 (D) The sum of the products calculated for each
25 nursing home in subparagraphs (A) through (C) above
26 shall be the base year case mix, rate adjusted weighted

1 days.

2 (3) The Statewide RUG-IV nursing base per diem rate:

3 (A) on January 1, 2014 shall be the quotient of the
4 paragraph (1) divided by the sum calculated under
5 subparagraph (D) of paragraph (2); and

6 (B) on and after July 1, 2014, shall be the amount
7 calculated under subparagraph (A) of this paragraph
8 (3) plus \$1.76.

9 (4) Minimum Data Set (MDS) comprehensive assessments
10 for Medicaid residents on the last day of the quarter used
11 to establish the base rate.

12 (5) Nursing facilities designated as of July 1, 2012 by
13 the Department as "Institutions for Mental Disease" shall
14 be excluded from all calculations under this subsection.
15 The data from these facilities shall not be used in the
16 computations described in paragraphs (1) through (4) above
17 to establish the base rate.

18 (e) Beginning July 1, 2014, the Department shall allocate
19 funding in the amount up to \$10,000,000 for per diem add-ons to
20 the RUGS methodology for dates of service on and after July 1,
21 2014:

22 (1) \$0.63 for each resident who scores in I4200
23 Alzheimer's Disease or I4800 non-Alzheimer's Dementia.

24 (2) \$2.67 for each resident who scores either a "1" or
25 "2" in any items S1200A through S1200I and also scores in
26 RUG groups PA1, PA2, BA1, or BA2.

1 (e-1) (Blank).

2 (e-2) For dates of services beginning January 1, 2014, the
3 RUG-IV nursing component per diem for a nursing home shall be
4 the product of the statewide RUG-IV nursing base per diem rate,
5 the facility average case mix index, and the regional wage
6 adjustor. Transition rates for services provided between
7 January 1, 2014 and December 31, 2014 shall be as follows:

8 (1) The transition RUG-IV per diem nursing rate for
9 nursing homes whose rate calculated in this subsection
10 (e-2) is greater than the nursing component rate in effect
11 July 1, 2012 shall be paid the sum of:

12 (A) The nursing component rate in effect July 1,
13 2012; plus

14 (B) The difference of the RUG-IV nursing component
15 per diem calculated for the current quarter minus the
16 nursing component rate in effect July 1, 2012
17 multiplied by 0.88.

18 (2) The transition RUG-IV per diem nursing rate for
19 nursing homes whose rate calculated in this subsection
20 (e-2) is less than the nursing component rate in effect
21 July 1, 2012 shall be paid the sum of:

22 (A) The nursing component rate in effect July 1,
23 2012; plus

24 (B) The difference of the RUG-IV nursing component
25 per diem calculated for the current quarter minus the
26 nursing component rate in effect July 1, 2012

1 multiplied by 0.13.

2 (f) Notwithstanding any other provision of this Code, on
3 and after July 1, 2012, reimbursement rates associated with the
4 nursing or support components of the current nursing facility
5 rate methodology shall not increase beyond the level effective
6 May 1, 2011 until a new reimbursement system based on the RUGs
7 IV 48 grouper model has been fully operationalized.

8 (g) Notwithstanding any other provision of this Code, on
9 and after July 1, 2012, for facilities not designated by the
10 Department of Healthcare and Family Services as "Institutions
11 for Mental Disease", rates effective May 1, 2011 shall be
12 adjusted as follows:

13 (1) Individual nursing rates for residents classified
14 in RUG IV groups PA1, PA2, BA1, and BA2 during the quarter
15 ending March 31, 2012 shall be reduced by 10%;

16 (2) Individual nursing rates for residents classified
17 in all other RUG IV groups shall be reduced by 1.0%;

18 (3) Facility rates for the capital and support
19 components shall be reduced by 1.7%.

20 (h) Notwithstanding any other provision of this Code, on
21 and after July 1, 2012, nursing facilities designated by the
22 Department of Healthcare and Family Services as "Institutions
23 for Mental Disease" and "Institutions for Mental Disease" that
24 are facilities licensed under the Specialized Mental Health
25 Rehabilitation Act of 2013 shall have the nursing,
26 socio-developmental, capital, and support components of their

1 reimbursement rate effective May 1, 2011 reduced in total by
2 2.7%.

3 (i) On and after July 1, 2014, the reimbursement rates for
4 the support component of the nursing facility rate for
5 facilities licensed under the Nursing Home Care Act as skilled
6 or intermediate care facilities shall be the rate in effect on
7 June 30, 2014 increased by 8.17%.

8 (j) Notwithstanding any other provision of law, subject to
9 federal approval, effective July 1, 2019, sufficient funds
10 shall be allocated for changes to rates for facilities licensed
11 under the Nursing Home Care Act as skilled nursing facilities
12 or intermediate care facilities for dates of services on and
13 after July 1, 2019: (i) to establish a per diem add-on to the
14 direct care per diem rate not to exceed \$70,000,000 annually in
15 the aggregate taking into account federal matching funds for
16 the purpose of addressing the facility's unique staffing needs,
17 adjusted quarterly and distributed by a weighted formula based
18 on Medicaid bed days on the last day of the second quarter
19 preceding the quarter for which the rate is being adjusted; and
20 (ii) in an amount not to exceed \$170,000,000 annually in the
21 aggregate taking into account federal matching funds to permit
22 the support component of the nursing facility rate to be
23 updated as follows:

24 (1) 80%, or \$136,000,000, of the funds shall be used to
25 update each facility's rate in effect on June 30, 2019
26 using the most recent cost reports on file, which have had

1 a limited review conducted by the Department of Healthcare
2 and Family Services and will not hold up enacting the rate
3 increase, with the Department of Healthcare and Family
4 Services and taking into account subsection (i).

5 (2) After completing the calculation in paragraph (1),
6 any facility whose rate is less than the rate in effect on
7 June 30, 2019 shall have its rate restored to the rate in
8 effect on June 30, 2019 from the 20% of the funds set
9 aside.

10 (3) The remainder of the 20%, or \$34,000,000, shall be
11 used to increase each facility's rate by an equal
12 percentage.

13 To implement item (i) in this subsection, facilities shall
14 file quarterly reports documenting compliance with its
15 annually approved staffing plan, which shall permit compliance
16 with Section 3-202.05 of the Nursing Home Care Act. A facility
17 that fails to meet the benchmarks and dates contained in the
18 plan may have its add-on adjusted in the quarter following the
19 quarterly review. Nothing in this Section shall limit the
20 ability of the facility to appeal a ruling of non-compliance
21 and a subsequent reduction to the add-on. Funds adjusted for
22 noncompliance shall be maintained in the Long-Term Care
23 Provider Fund and accounted for separately. At the end of each
24 fiscal year, these funds shall be made available to facilities
25 for special staffing projects.

26 In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 101-10 ~~this~~
2 ~~amendatory Act of the 101st General Assembly~~, emergency rules
3 to implement any provision of Public Act 101-10 ~~this amendatory~~
4 ~~Act of the 101st General Assembly~~ may be adopted in accordance
5 with this subsection by the agency charged with administering
6 that provision or initiative. The agency shall simultaneously
7 file emergency rules and permanent rules to ensure that there
8 is no interruption in administrative guidance. The 150-day
9 limitation of the effective period of emergency rules does not
10 apply to rules adopted under this subsection, and the effective
11 period may continue through June 30, 2021. The 24-month
12 limitation on the adoption of emergency rules does not apply to
13 rules adopted under this subsection. The adoption of emergency
14 rules authorized by this subsection is deemed to be necessary
15 for the public interest, safety, and welfare.

16 (k) ~~(j)~~ During the first quarter of State Fiscal Year 2020,
17 the Department of Healthcare of Family Services must convene a
18 technical advisory group consisting of members of all trade
19 associations representing Illinois skilled nursing providers
20 to discuss changes necessary with federal implementation of
21 Medicare's Patient-Driven Payment Model. Implementation of
22 Medicare's Patient-Driven Payment Model shall, by September 1,
23 2020, end the collection of the MDS data that is necessary to
24 maintain the current RUG-IV Medicaid payment methodology. The
25 technical advisory group must consider a revised reimbursement
26 methodology that takes into account transparency,

1 accountability, actual staffing as reported under the
2 federally required Payroll Based Journal system, changes to the
3 minimum wage, adequacy in coverage of the cost of care, and a
4 quality component that rewards quality improvements.

5 (Source: P.A. 101-10, eff. 6-5-19; 101-348, eff. 8-9-19;
6 revised 9-18-19.)

7 (305 ILCS 5/5-5e)

8 Sec. 5-5e. Adjusted rates of reimbursement.

9 (a) Rates or payments for services in effect on June 30,
10 2012 shall be adjusted and services shall be affected as
11 required by any other provision of Public Act 97-689. In
12 addition, the Department shall do the following:

13 (1) Delink the per diem rate paid for supportive living
14 facility services from the per diem rate paid for nursing
15 facility services, effective for services provided on or
16 after May 1, 2011 and before July 1, 2019.

17 (2) Cease payment for bed reserves in nursing
18 facilities and specialized mental health rehabilitation
19 facilities; for purposes of therapeutic home visits for
20 individuals scoring as TBI on the MDS 3.0, beginning June
21 1, 2015, the Department shall approve payments for bed
22 reserves in nursing facilities and specialized mental
23 health rehabilitation facilities that have at least a 90%
24 occupancy level and at least 80% of their residents are
25 Medicaid eligible. Payment shall be at a daily rate of 75%

1 of an individual's current Medicaid per diem and shall not
2 exceed 10 days in a calendar month.

3 (2.5) Cease payment for bed reserves for purposes of
4 inpatient hospitalizations to intermediate care facilities
5 for persons with developmental ~~development~~ disabilities,
6 except in the instance of residents who are under 21 years
7 of age.

8 (3) Cease payment of the \$10 per day add-on payment to
9 nursing facilities for certain residents with
10 developmental disabilities.

11 (b) After the application of subsection (a),
12 notwithstanding any other provision of this Code to the
13 contrary and to the extent permitted by federal law, on and
14 after July 1, 2012, the rates of reimbursement for services and
15 other payments provided under this Code shall further be
16 reduced as follows:

17 (1) Rates or payments for physician services, dental
18 services, or community health center services reimbursed
19 through an encounter rate, and services provided under the
20 Medicaid Rehabilitation Option of the Illinois Title XIX
21 State Plan shall not be further reduced, except as provided
22 in Section 5-5b.1.

23 (2) Rates or payments, or the portion thereof, paid to
24 a provider that is operated by a unit of local government
25 or State University that provides the non-federal share of
26 such services shall not be further reduced, except as

1 provided in Section 5-5b.1.

2 (3) Rates or payments for hospital services delivered
3 by a hospital defined as a Safety-Net Hospital under
4 Section 5-5e.1 of this Code shall not be further reduced,
5 except as provided in Section 5-5b.1.

6 (4) Rates or payments for hospital services delivered
7 by a Critical Access Hospital, which is an Illinois
8 hospital designated as a critical care hospital by the
9 Department of Public Health in accordance with 42 CFR 485,
10 Subpart F, shall not be further reduced, except as provided
11 in Section 5-5b.1.

12 (5) Rates or payments for Nursing Facility Services
13 shall only be further adjusted pursuant to Section 5-5.2 of
14 this Code.

15 (6) Rates or payments for services delivered by long
16 term care facilities licensed under the ID/DD Community
17 Care Act or the MC/DD Act and developmental training
18 services shall not be further reduced.

19 (7) Rates or payments for services provided under
20 capitation rates shall be adjusted taking into
21 consideration the rates reduction and covered services
22 required by Public Act 97-689.

23 (8) For hospitals not previously described in this
24 subsection, the rates or payments for hospital services
25 shall be further reduced by 3.5%, except for payments
26 authorized under Section 5A-12.4 of this Code.

1 (9) For all other rates or payments for services
2 delivered by providers not specifically referenced in
3 paragraphs (1) through (8), rates or payments shall be
4 further reduced by 2.7%.

5 (c) Any assessment imposed by this Code shall continue and
6 nothing in this Section shall be construed to cause it to
7 cease.

8 (d) Notwithstanding any other provision of this Code to the
9 contrary, subject to federal approval under Title XIX of the
10 Social Security Act, for dates of service on and after July 1,
11 2014, rates or payments for services provided for the purpose
12 of transitioning children from a hospital to home placement or
13 other appropriate setting by a children's community-based
14 health care center authorized under the Alternative Health Care
15 Delivery Act shall be \$683 per day.

16 (e) Notwithstanding any other provision of this Code to the
17 contrary, subject to federal approval under Title XIX of the
18 Social Security Act, for dates of service on and after July 1,
19 2014, rates or payments for home health visits shall be \$72.

20 (f) Notwithstanding any other provision of this Code to the
21 contrary, subject to federal approval under Title XIX of the
22 Social Security Act, for dates of service on and after July 1,
23 2014, rates or payments for the certified nursing assistant
24 component of the home health agency rate shall be \$20.

25 (Source: P.A. 101-10, eff. 6-5-19; revised 9-12-19.)

1 (305 ILCS 5/5-16.8)

2 Sec. 5-16.8. Required health benefits. The medical
3 assistance program shall (i) provide the post-mastectomy care
4 benefits required to be covered by a policy of accident and
5 health insurance under Section 356t and the coverage required
6 under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.26,
7 356z.29, ~~and~~ 356z.32, ~~and~~ 356z.33, 356z.34, 356z.35, and
8 356z.39 of the Illinois Insurance Code and (ii) be subject to
9 the provisions of Sections 356z.19, 364.01, 370c, and 370c.1 of
10 the Illinois Insurance Code.

11 On and after July 1, 2012, the Department shall reduce any
12 rate of reimbursement for services or other payments or alter
13 any methodologies authorized by this Code to reduce any rate of
14 reimbursement for services or other payments in accordance with
15 Section 5-5e.

16 To ensure full access to the benefits set forth in this
17 Section, on and after January 1, 2016, the Department shall
18 ensure that provider and hospital reimbursement for
19 post-mastectomy care benefits required under this Section are
20 no lower than the Medicare reimbursement rate.

21 (Source: P.A. 100-138, eff. 8-18-17; 100-863, eff. 8-14-18;
22 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff.
23 7-12-19; 101-218, eff. 1-1-20; 101-281, eff. 1-1-20; 101-371,
24 eff. 1-1-20; 101-574, eff. 1-1-20; revised 10-16-19.)

25 (305 ILCS 5/5-30.11)

1 Sec. 5-30.11. Treatment of autism spectrum disorder.
2 Treatment of autism spectrum disorder through applied behavior
3 analysis shall be covered under the medical assistance program
4 under this Article for children with a diagnosis of autism
5 spectrum disorder when ordered by a physician licensed to
6 practice medicine in all its branches and rendered by a
7 licensed or certified health care professional with expertise
8 in applied behavior analysis. Such coverage may be limited to
9 age ranges based on evidence-based best practices. Appropriate
10 State plan amendments as well as rules regarding provision of
11 services and providers will be submitted by September 1, 2019.
12 (Source: P.A. 101-10, eff. 6-5-19.)

13 (305 ILCS 5/5-30.13)

14 Sec. 5-30.13 ~~5-30.11~~. Managed care reports; minority-owned
15 and women-owned businesses. Each Medicaid managed care health
16 plan shall submit a report to the Department by March 1, 2020,
17 and every March 1 thereafter, that includes the following
18 information:

19 (1) The administrative expenses paid to the Medicaid
20 managed care health plan.

21 (2) The amount of money the Medicaid managed care
22 health plan has spent with Business Enterprise Program
23 certified businesses.

24 (3) The amount of money the Medicaid managed care
25 health plan has spent with minority-owned and women-owned

1 businesses that are certified by other agencies or private
2 organizations.

3 (4) The amount of money the Medicaid managed care
4 health plan has spent with not-for-profit community-based
5 organizations serving predominantly minority communities,
6 as defined by the Department.

7 (5) The proportion of minorities, people with
8 disabilities, and women that make up the staff of the
9 Medicaid managed care health plan.

10 (6) Recommendations for increasing expenditures with
11 minority-owned and women-owned businesses.

12 (7) A list of the types of services to which the
13 Medicaid managed care health plan is contemplating adding
14 new vendors.

15 (8) The certifications the Medicaid managed care
16 health plan accepts for minority-owned and women-owned
17 businesses.

18 (9) The point of contact for potential vendors seeking
19 to do business with the Medicaid managed care health plan.

20 The Department shall publish the reports on its website and
21 shall maintain each report on its website for 5 years. In May
22 of 2020 and every May thereafter, the Department shall hold 2
23 annual public workshops, one in Chicago and one in Springfield.
24 The workshops shall include each Medicaid managed care health
25 plan and shall be open to vendor communities to discuss the
26 submitted plans and to seek to connect vendors with the

1 Medicaid managed care health plans.

2 (Source: P.A. 101-209, eff. 8-5-19; revised 10-22-19.)

3 (305 ILCS 5/5-30.14)

4 Sec. 5-30.14 ~~5-30.11~~. Medicaid managed care organizations;
5 preferred drug lists.

6 (a) No later than January 1, 2020, the Illinois Department
7 shall develop a standardized format for all Medicaid managed
8 care organization preferred drug lists in collaboration with
9 Medicaid managed care organizations and other stakeholders,
10 including, but not limited to, organizations that serve
11 individuals impacted by HIV/AIDS or epilepsy, and
12 community-based organizations, providers, and entities with
13 expertise in drug formulary development.

14 (b) Following development of the standardized Preferred
15 Drug List format, the Illinois Department shall allow Medicaid
16 managed care organizations 6 months from the date of completion
17 to comply with the new Preferred Drug List format. Each
18 Medicaid managed care organization must post its preferred drug
19 list on its website without restricting access and must update
20 the preferred drug list posted on its website. Medicaid managed
21 care organizations shall publish updates to their preferred
22 drug lists no less than 30 days prior to the date upon which
23 any update or change takes effect, including, but not limited
24 to, any and all changes to requirements for prior approval
25 requirements, step therapy, or other utilization controls.

1 (c)(1) No later than January 1, 2020, the Illinois
2 Department shall establish and maintain the Illinois Drug and
3 Therapeutics Advisory Board. The Board shall have the authority
4 and responsibility to provide recommendations to the Illinois
5 Department regarding which drug products to list on the
6 Illinois Department's preferred drug list. The Illinois
7 Department shall provide administrative support to the Board
8 and the Board shall:

9 (A) convene and meet no less than once per calendar
10 quarter;

11 (B) provide regular opportunities for public comment;
12 and

13 (C) comply with the provisions of the Open Meetings
14 Act.

15 All correspondence related to the Board, including
16 correspondence to and from Board members, shall be subject to
17 the Freedom of Information Act.

18 (2) The Board shall consist of the following voting
19 members, all of whom shall be appointed by the Governor and
20 shall serve terms of 3 years without compensation:

21 (A) one pharmacist licensed to practice pharmacy in
22 Illinois who is recommended by a statewide organization
23 representing pharmacists;

24 (B) 4 physicians, recommended by a statewide
25 organization representing physicians, who are licensed to
26 practice medicine in all its branches in Illinois, have

1 knowledge of and adhere to best practice standards, and
2 have experience treating Illinois Medicaid beneficiaries;

3 (C) at least one clinician who specializes in the
4 prevention and treatment of HIV, recommended by an HIV
5 healthcare advocacy organization;

6 (D) at least one clinician recommended by a healthcare
7 advocacy organization that serves individuals who are
8 affected by chronic diseases that require significant
9 pharmaceutical treatments;

10 (E) one clinician representing the Illinois
11 Department; and

12 (F) one licensed psychiatrist, recommended by a
13 statewide organization representing psychiatrists, who has
14 experience treating Illinois Medicaid beneficiaries.

15 One non-voting clinician recommended by an association of
16 Medicaid managed care health plans shall serve a term of 3
17 years on the Board without compensation.

18 Organizations interested in nominating non-voting
19 clinicians to advise the Board may submit requests to
20 participate to the Illinois Department.

21 A licensed physician recommended by the Rare Disease
22 Commission who is a rare disease specialist and possesses
23 scientific knowledge and medical training with respect to rare
24 diseases and is familiar with drug and biological products and
25 treatment shall be notified in advance to attend an Illinois
26 Drug and Therapeutics Advisory Board meeting when a drug or

1 biological product is scheduled to be reviewed in order to
2 advise and make recommendations on drugs or biological
3 products.

4 (d) The Illinois Department shall adopt rules, to be in
5 place no later than January 1, 2020, for the purpose of
6 establishing and maintaining the Board.

7 (Source: P.A. 101-62, eff. 7-12-19; revised 10-22-19.)

8 (305 ILCS 5/5-36)

9 Sec. 5-36. Pharmacy benefits.

10 (a)(1) The Department may enter into a contract with a
11 third party on a fee-for-service reimbursement model for the
12 purpose of administering pharmacy benefits as provided in this
13 Section for members not enrolled in a Medicaid managed care
14 organization; however, these services shall be approved by the
15 Department. The Department shall ensure coordination of care
16 between the third-party administrator and managed care
17 organizations as a consideration in any contracts established
18 in accordance with this Section. Any managed care techniques,
19 principles, or administration of benefits utilized in
20 accordance with this subsection shall comply with State law.

21 (2) The following shall apply to contracts between entities
22 contracting relating to the Department's third-party
23 administrators and pharmacies:

24 (A) the Department shall approve any contract between a
25 third-party administrator and a pharmacy;

1 (B) the Department's third-party administrator shall
2 not change the terms of a contract between a third-party
3 administrator and a pharmacy without written approval by
4 the Department; and

5 (C) the Department's third-party administrator shall
6 not create, modify, implement, or indirectly establish any
7 fee on a pharmacy, pharmacist, or a recipient of medical
8 assistance without written approval by the Department.

9 (b) The provisions of this Section shall not apply to
10 outpatient pharmacy services provided by a health care facility
11 registered as a covered entity pursuant to 42 U.S.C. 256b or
12 any pharmacy owned by or contracted with the covered entity. A
13 Medicaid managed care organization shall, either directly or
14 through a pharmacy benefit manager, administer and reimburse
15 outpatient pharmacy claims submitted by a health care facility
16 registered as a covered entity pursuant to 42 U.S.C. 256b, its
17 owned pharmacies, and contracted pharmacies in accordance with
18 the contractual agreements the Medicaid managed care
19 organization or its pharmacy benefit manager has with such
20 facilities and pharmacies. Any pharmacy benefit manager that
21 contracts with a Medicaid managed care organization to
22 administer and reimburse pharmacy claims as provided in this
23 Section must be registered with the Director of Insurance in
24 accordance with Section 513b2 of the Illinois Insurance Code.

25 (c) On at least an annual basis, the Director of the
26 Department of Healthcare and Family Services shall submit a

1 report beginning no later than one year after January 1, 2020
2 (the effective date of Public Act 101-452) ~~this amendatory Act~~
3 ~~of the 101st General Assembly~~ that provides an update on any
4 contract, contract issues, formulary, dispensing fees, and
5 maximum allowable cost concerns regarding a third-party
6 administrator and managed care. The requirement for reporting
7 to the General Assembly shall be satisfied by filing copies of
8 the report with the Speaker, the Minority Leader, and the Clerk
9 of the House of Representatives and with the President, the
10 Minority Leader, and the Secretary of the Senate. The
11 Department shall take care that no proprietary information is
12 included in the report required under this Section.

13 (d) A pharmacy benefit manager shall notify the Department
14 in writing of any activity, policy, or practice of the pharmacy
15 benefit manager that directly or indirectly presents a conflict
16 of interest that interferes with the discharge of the pharmacy
17 benefit manager's duty to a managed care organization to
18 exercise its contractual duties. "Conflict of interest" shall
19 be defined by rule by the Department.

20 (e) A pharmacy benefit manager shall, upon request,
21 disclose to the Department the following information:

22 (1) whether the pharmacy benefit manager has a
23 contract, agreement, or other arrangement with a
24 pharmaceutical manufacturer to exclusively dispense or
25 provide a drug to a managed care organization's enrollees,
26 and the aggregate amounts of consideration of economic

1 benefits collected or received pursuant to that
2 arrangement;

3 (2) the percentage of claims payments made by the
4 pharmacy benefit manager to pharmacies owned, managed, or
5 controlled by the pharmacy benefit manager or any of the
6 pharmacy benefit manager's management companies, parent
7 companies, subsidiary companies, or jointly held
8 companies;

9 (3) the aggregate amount of the fees or assessments
10 imposed on, or collected from, pharmacy providers; and

11 (4) the average annualized percentage of revenue
12 collected by the pharmacy benefit manager as a result of
13 each contract it has executed with a managed care
14 organization contracted by the Department to provide
15 medical assistance benefits which is not paid by the
16 pharmacy benefit manager to pharmacy providers and
17 pharmaceutical manufacturers or labelers or in order to
18 perform administrative functions pursuant to its contracts
19 with managed care organizations.

20 (f) The information disclosed under subsection (e) shall
21 include all retail, mail order, specialty, and compounded
22 prescription products. All information made available to the
23 Department under subsection (e) is confidential and not subject
24 to disclosure under the Freedom of Information Act. All
25 information made available to the Department under subsection
26 (e) shall not be reported or distributed in any way that

1 compromises its competitive, proprietary, or financial value.
2 The information shall only be used by the Department to assess
3 the contract, agreement, or other arrangements made between a
4 pharmacy benefit manager and a pharmacy provider,
5 pharmaceutical manufacturer or labeler, managed care
6 organization, or other entity, as applicable.

7 (g) A pharmacy benefit manager shall disclose directly in
8 writing to a pharmacy provider or pharmacy services
9 administrative organization contracting with the pharmacy
10 benefit manager of any material change to a contract provision
11 that affects the terms of the reimbursement, the process for
12 verifying benefits and eligibility, dispute resolution,
13 procedures for verifying drugs included on the formulary, and
14 contract termination at least 30 days prior to the date of the
15 change to the provision. The terms of this subsection shall be
16 deemed met if the pharmacy benefit manager posts the
17 information on a website, viewable by the public. A pharmacy
18 service administration organization shall notify all contract
19 pharmacies of any material change, as described in this
20 subsection, within 2 days of notification. As used in this
21 Section, "pharmacy services administrative organization" means
22 an entity operating within the State that contracts with
23 independent pharmacies to conduct business on their behalf with
24 third-party payers. A pharmacy services administrative
25 organization may provide administrative services to pharmacies
26 and negotiate and enter into contracts with third-party payers

1 or pharmacy benefit managers on behalf of pharmacies.

2 (h) A pharmacy benefit manager shall not include the
3 following in a contract with a pharmacy provider:

4 (1) a provision prohibiting the provider from
5 informing a patient of a less costly alternative to a
6 prescribed medication; or

7 (2) a provision that prohibits the provider from
8 dispensing a particular amount of a prescribed medication,
9 if the pharmacy benefit manager allows that amount to be
10 dispensed through a pharmacy owned or controlled by the
11 pharmacy benefit manager, unless the prescription drug is
12 subject to restricted distribution by the United States
13 Food and Drug Administration or requires special handling,
14 provider coordination, or patient education that cannot be
15 provided by a retail pharmacy.

16 (i) Nothing in this Section shall be construed to prohibit
17 a pharmacy benefit manager from requiring the same
18 reimbursement and terms and conditions for a pharmacy provider
19 as for a pharmacy owned, controlled, or otherwise associated
20 with the pharmacy benefit manager.

21 (j) A pharmacy benefit manager shall establish and
22 implement a process for the resolution of disputes arising out
23 of this Section, which shall be approved by the Department.

24 (k) The Department shall adopt rules establishing
25 reasonable dispensing fees for fee-for-service payments in
26 accordance with guidance or guidelines from the federal Centers

1 for Medicare and Medicaid Services.

2 (Source: P.A. 101-452, eff. 1-1-20; revised 10-22-19.)

3 (305 ILCS 5/5-36.5)

4 Sec. 5-36.5 ~~5-36~~. Education on mental health and substance
5 use treatment services for children and young adults. The
6 Department of Healthcare and Family Services shall develop a
7 layman's guide to the mental health and substance use treatment
8 services available in Illinois through the Medical Assistance
9 Program and through the Family Support Program, or other
10 publicly funded programs, similar to what Massachusetts
11 developed, to help families understand what services are
12 available to them when they have a child in need of treatment
13 or support. The guide shall be in easy-to-understand language,
14 be prominently available on the Department of Healthcare and
15 Family Services' website, and be part of a statewide
16 communications campaign to ensure families are aware of Family
17 Support Program services. It shall briefly explain the service
18 and whether it is covered by the Medical Assistance Program,
19 the Family Support Program, or any other public funding source.
20 Within one year after January 1, 2020 (the effective date of
21 Public Act 101-461) ~~this amendatory Act of the 101st General~~
22 ~~Assembly~~, the Department of Healthcare and Family Services
23 shall complete this guide, have it available on its website,
24 and launch the communications campaign.

25 (Source: P.A. 101-461, eff. 1-1-20; revised 10-22-19.)

1 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

2 Sec. 5A-8. Hospital Provider Fund.

3 (a) There is created in the State Treasury the Hospital
4 Provider Fund. Interest earned by the Fund shall be credited to
5 the Fund. The Fund shall not be used to replace any moneys
6 appropriated to the Medicaid program by the General Assembly.

7 (b) The Fund is created for the purpose of receiving moneys
8 in accordance with Section 5A-6 and disbursing moneys only for
9 the following purposes, notwithstanding any other provision of
10 law:

11 (1) For making payments to hospitals as required under
12 this Code, under the Children's Health Insurance Program
13 Act, under the Covering ALL KIDS Health Insurance Act, and
14 under the Long Term Acute Care Hospital Quality Improvement
15 Transfer Program Act.

16 (2) For the reimbursement of moneys collected by the
17 Illinois Department from hospitals or hospital providers
18 through error or mistake in performing the activities
19 authorized under this Code.

20 (3) For payment of administrative expenses incurred by
21 the Illinois Department or its agent in performing
22 activities under this Code, under the Children's Health
23 Insurance Program Act, under the Covering ALL KIDS Health
24 Insurance Act, and under the Long Term Acute Care Hospital
25 Quality Improvement Transfer Program Act.

1 (4) For payments of any amounts which are reimbursable
2 to the federal government for payments from this Fund which
3 are required to be paid by State warrant.

4 (5) For making transfers, as those transfers are
5 authorized in the proceedings authorizing debt under the
6 Short Term Borrowing Act, but transfers made under this
7 paragraph (5) shall not exceed the principal amount of debt
8 issued in anticipation of the receipt by the State of
9 moneys to be deposited into the Fund.

10 (6) For making transfers to any other fund in the State
11 treasury, but transfers made under this paragraph (6) shall
12 not exceed the amount transferred previously from that
13 other fund into the Hospital Provider Fund plus any
14 interest that would have been earned by that fund on the
15 monies that had been transferred.

16 (6.5) For making transfers to the Healthcare Provider
17 Relief Fund, except that transfers made under this
18 paragraph (6.5) shall not exceed \$60,000,000 in the
19 aggregate.

20 (7) For making transfers not exceeding the following
21 amounts, related to State fiscal years 2013 through 2018,
22 to the following designated funds:

23	Health and Human Services Medicaid Trust	
24	Fund	\$20,000,000
25	Long-Term Care Provider Fund	\$30,000,000
26	General Revenue Fund	\$80,000,000.

1 Transfers under this paragraph shall be made within 7 days
2 after the payments have been received pursuant to the
3 schedule of payments provided in subsection (a) of Section
4 5A-4.

5 (7.1) (Blank).

6 (7.5) (Blank).

7 (7.8) (Blank).

8 (7.9) (Blank).

9 (7.10) For State fiscal year 2014, for making transfers
10 of the moneys resulting from the assessment under
11 subsection (b-5) of Section 5A-2 and received from hospital
12 providers under Section 5A-4 and transferred into the
13 Hospital Provider Fund under Section 5A-6 to the designated
14 funds not exceeding the following amounts in that State
15 fiscal year:

16 Healthcare Provider Relief Fund \$100,000,000

17 Transfers under this paragraph shall be made within 7
18 days after the payments have been received pursuant to the
19 schedule of payments provided in subsection (a) of Section
20 5A-4.

21 The additional amount of transfers in this paragraph
22 (7.10), authorized by Public Act 98-651, shall be made
23 within 10 State business days after June 16, 2014 (the
24 effective date of Public Act 98-651). That authority shall
25 remain in effect even if Public Act 98-651 does not become
26 law until State fiscal year 2015.

1 (7.10a) For State fiscal years 2015 through 2018, for
2 making transfers of the moneys resulting from the
3 assessment under subsection (b-5) of Section 5A-2 and
4 received from hospital providers under Section 5A-4 and
5 transferred into the Hospital Provider Fund under Section
6 5A-6 to the designated funds not exceeding the following
7 amounts related to each State fiscal year:

8 Healthcare Provider Relief Fund \$50,000,000

9 Transfers under this paragraph shall be made within 7
10 days after the payments have been received pursuant to the
11 schedule of payments provided in subsection (a) of Section
12 5A-4.

13 (7.11) (Blank).

14 (7.12) For State fiscal year 2013, for increasing by
15 21/365ths the transfer of the moneys resulting from the
16 assessment under subsection (b-5) of Section 5A-2 and
17 received from hospital providers under Section 5A-4 for the
18 portion of State fiscal year 2012 beginning June 10, 2012
19 through June 30, 2012 and transferred into the Hospital
20 Provider Fund under Section 5A-6 to the designated funds
21 not exceeding the following amounts in that State fiscal
22 year:

23 Healthcare Provider Relief Fund \$2,870,000

24 Since the federal Centers for Medicare and Medicaid
25 Services approval of the assessment authorized under
26 subsection (b-5) of Section 5A-2, received from hospital

1 providers under Section 5A-4 and the payment methodologies
 2 to hospitals required under Section 5A-12.4 was not
 3 received by the Department until State fiscal year 2014 and
 4 since the Department made retroactive payments during
 5 State fiscal year 2014 related to the referenced period of
 6 June 2012, the transfer authority granted in this paragraph
 7 (7.12) is extended through the date that is 10 State
 8 business days after June 16, 2014 (the effective date of
 9 Public Act 98-651).

10 (7.13) In addition to any other transfers authorized
 11 under this Section, for State fiscal years 2017 and 2018,
 12 for making transfers to the Healthcare Provider Relief Fund
 13 of moneys collected from the ACA Assessment Adjustment
 14 authorized under subsections (a) and (b-5) of Section 5A-2
 15 and paid by hospital providers under Section 5A-4 into the
 16 Hospital Provider Fund under Section 5A-6 for each State
 17 fiscal year. Timing of transfers to the Healthcare Provider
 18 Relief Fund under this paragraph shall be at the discretion
 19 of the Department, but no less frequently than quarterly.

20 (7.14) For making transfers not exceeding the
 21 following amounts, related to State fiscal years 2019
 22 through 2024, to the following designated funds:

23	Health and Human Services Medicaid Trust	
24	Fund	\$20,000,000
25	Long-Term Care Provider Fund	\$30,000,000
26	<u>Healthcare</u> Health-Care Provider Relief Fund	

1 \$325,000,000.

2 Transfers under this paragraph shall be made within 7
3 days after the payments have been received pursuant to the
4 schedule of payments provided in subsection (a) of Section
5 5A-4.

6 (8) For making refunds to hospital providers pursuant
7 to Section 5A-10.

8 (9) For making payment to capitated managed care
9 organizations as described in subsections (s) and (t) of
10 Section 5A-12.2 and subsection (r) of Section 5A-12.6 of
11 this Code.

12 Disbursements from the Fund, other than transfers
13 authorized under paragraphs (5) and (6) of this subsection,
14 shall be by warrants drawn by the State Comptroller upon
15 receipt of vouchers duly executed and certified by the Illinois
16 Department.

17 (c) The Fund shall consist of the following:

18 (1) All moneys collected or received by the Illinois
19 Department from the hospital provider assessment imposed
20 by this Article.

21 (2) All federal matching funds received by the Illinois
22 Department as a result of expenditures made by the Illinois
23 Department that are attributable to moneys deposited in the
24 Fund.

25 (3) Any interest or penalty levied in conjunction with
26 the administration of this Article.

1 (3.5) As applicable, proceeds from surety bond
2 payments payable to the Department as referenced in
3 subsection (s) of Section 5A-12.2 of this Code.

4 (4) Moneys transferred from another fund in the State
5 treasury.

6 (5) All other moneys received for the Fund from any
7 other source, including interest earned thereon.

8 (d) (Blank).

9 (Source: P.A. 99-78, eff. 7-20-15; 99-516, eff. 6-30-16;
10 99-933, eff. 1-27-17; 100-581, eff. 3-12-18; 100-863, eff.
11 8-14-19; revised 7-12-19.)

12 (305 ILCS 5/5H-1)

13 Sec. 5H-1. Definitions. As used in this Article:

14 "Base year" means the 12-month period from January 1, 2018
15 to December 31, 2018.

16 "Department" means the Department of Healthcare and Family
17 Services.

18 "Federal employee health benefit" means the program of
19 health benefits plans, as defined in 5 U.S.C. 8901, available
20 to federal employees under 5 U.S.C. 8901 to 8914.

21 "Fund" means the Healthcare Provider Relief Fund.

22 "Managed care organization" means an entity operating
23 under a certificate of authority issued pursuant to the Health
24 Maintenance Organization Act or as a Managed Care Community
25 Network pursuant to Section 5-11 of this ~~the Public Aid~~ Code.

1 "Medicaid managed care organization" means a managed care
2 organization under contract with the Department to provide
3 services to recipients of benefits in the medical assistance
4 program pursuant to Article V of this ~~the Public Aid Code~~, the
5 Children's Health Insurance Program Act, or the Covering ALL
6 KIDS Health Insurance Act. It does not include contracts the
7 same entity or an affiliated entity has for other business.

8 "Medicare" means the federal Medicare program established
9 under Title XVIII of the federal Social Security Act.

10 "Member months" means the aggregate total number of months
11 all individuals are enrolled for coverage in a Managed Care
12 Organization during the base year. Member months are determined
13 by the Department for Medicaid Managed Care Organizations based
14 on enrollment data in its Medicaid Management Information
15 System and by the Department of Insurance for other Managed
16 Care Organizations based on required filings with the
17 Department of Insurance. Member months do not include months
18 individuals are enrolled in a Limited Health Services
19 Organization, including stand-alone dental or vision plans, a
20 Medicare Advantage Plan, a Medicare Supplement Plan, a Medicaid
21 Medicare Alignment Initiative Plan pursuant to a Memorandum of
22 Understanding between the Department and the Federal Centers
23 for Medicare and Medicaid Services or a Federal Employee Health
24 Benefits Plan.

25 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

1 (305 ILCS 5/5H-5)

2 Sec. 5H-5. Liability or resultant entities. In the event of
3 a merger, acquisition, or any similar transaction involving
4 entities subject to the assessment under this Article, the
5 resultant entity shall be responsible for the full amount of
6 the assessment for all entities involved in the transaction
7 with the member months allotted to tiers as they were prior to
8 the transaction and no member months shall change tiers as a
9 result of any transaction. A managed care organization that
10 ceases doing business in the State during any fiscal year shall
11 be liable only for the monthly installments due in months that
12 it ~~they~~ operated in the State. The Department shall by rule
13 establish a methodology to set the assessment base member
14 months for a managed care organization that begins operating in
15 the State at any time after 2018. Nothing in this Section shall
16 be construed to limit authority granted in subsection (c) of
17 Section 5H-3.

18 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

19 (305 ILCS 5/5H-6)

20 Sec. 5H-6. Recordkeeping; penalties.

21 (a) A managed care organization that is liable for the
22 assessment under this Article shall keep accurate and complete
23 records and pertinent documents as may be required by the
24 Department. Records required by the Department shall be
25 retained for a period of 4 years after the assessment imposed

1 under this Act to which the records apply is due or as
2 otherwise provided by law. The Department or the Department of
3 Insurance may audit all records necessary to ensure compliance
4 with this Article and make adjustments to assessment amounts
5 previously calculated based on the results of any such audit.

6 (b) If a managed care organization fails to make a payment
7 due under this Article in a timely fashion, it ~~they~~ shall pay
8 an additional penalty of 5% of the amount of the installment
9 not paid on or before the due date, or any grace period
10 granted, plus 5% of the portion thereof remaining unpaid on the
11 last day of each 30-day period thereafter. The Department is
12 authorized to grant grace periods of up to 30 days upon request
13 of a managed care organization for good cause due to financial
14 or other difficulties, as determined by the Department. If a
15 managed care organization fails to make a payment within 60
16 days after the due date the Department shall additionally
17 impose a contractual sanction allowed against a Medicaid
18 managed care organization and may terminate any such contract.
19 The Department of Insurance shall take action against the
20 certificate of authority of a non-Medicaid managed care
21 organization that fails to pay an installment within 60 days
22 after the due date.

23 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

24 (305 ILCS 5/11-5.4)

25 Sec. 11-5.4. Expedited long-term care eligibility

1 determination and enrollment.

2 (a) Establishment of the expedited long-term care
3 eligibility determination and enrollment system shall be a
4 joint venture of the Departments of Human Services and
5 Healthcare and Family Services and the Department on Aging.

6 (b) Streamlined application enrollment process; expedited
7 eligibility process. The streamlined application and
8 enrollment process must include, but need not be limited to,
9 the following:

10 (1) On or before July 1, 2019, a streamlined
11 application and enrollment process shall be put in place
12 which must include, but need not be limited to, the
13 following:

14 (A) Minimize the burden on applicants by
15 collecting only the data necessary to determine
16 eligibility for medical services, long-term care
17 services, and spousal impoverishment offset.

18 (B) Integrate online data sources to simplify the
19 application process by reducing the amount of
20 information needed to be entered and to expedite
21 eligibility verification.

22 (C) Provide online prompts to alert the applicant
23 that information is missing or not complete.

24 (D) Provide training and step-by-step written
25 instructions for caseworkers, applicants, and
26 providers.

1 (2) The State must expedite the eligibility process for
2 applicants meeting specified guidelines, regardless of the
3 age of the application. The guidelines, subject to federal
4 approval, must include, but need not be limited to, the
5 following individually or collectively:

6 (A) Full Medicaid benefits in the community for a
7 specified period of time.

8 (B) No transfer of assets or resources during the
9 federally prescribed look-back period, as specified in
10 federal law.

11 (C) Receives Supplemental Security Income payments
12 or was receiving such payments at the time of admission
13 to a nursing facility.

14 (D) For applicants or recipients with verified
15 income at or below 100% of the federal poverty level
16 when the declared value of their countable resources is
17 no greater than the allowable amounts pursuant to
18 Section 5-2 of this Code for classes of eligible
19 persons for whom a resource limit applies. Such
20 simplified verification policies shall apply to
21 community cases as well as long-term care cases.

22 (3) Subject to federal approval, the Department of
23 Healthcare and Family Services must implement an ex parte
24 renewal process for Medicaid-eligible individuals residing
25 in long-term care facilities. "Renewal" has the same
26 meaning as "redetermination" in State policies,

1 administrative rule, and federal Medicaid law. The ex parte
2 renewal process must be fully operational on or before
3 January 1, 2019. If an individual has transferred to
4 another long-term care facility, any annual notice
5 concerning redetermination of eligibility must be sent to
6 the long-term care facility where the individual resides as
7 well as to the individual.

8 (4) The Department of Human Services must use the
9 standards and distribution requirements described in this
10 subsection and in Section 11-6 for notification of missing
11 supporting documents and information during all phases of
12 the application process: initial, renewal, and appeal.

13 (c) The Department of Human Services must adopt policies
14 and procedures to improve communication between long-term care
15 benefits central office personnel, applicants and their
16 representatives, and facilities in which the applicants
17 reside. Such policies and procedures must at a minimum permit
18 applicants and their representatives and the facility in which
19 the applicants reside to speak directly to an individual
20 trained to take telephone inquiries and provide appropriate
21 responses.

22 (d) Effective 30 days after the completion of 3 regionally
23 based trainings, nursing facilities shall submit all
24 applications for medical assistance online via the Application
25 for Benefits Eligibility (ABE) website. This requirement shall
26 extend to scanning and uploading with the online application

1 any required additional forms such as the Long Term Care
2 Facility Notification and the Additional Financial Information
3 for Long Term Care Applicants as well as scanned copies of any
4 supporting documentation. Long-term care facility admission
5 documents must be submitted as required in Section 5-5 of this
6 Code. No local Department of Human Services office shall refuse
7 to accept an electronically filed application. No Department of
8 Human Services office shall request submission of any document
9 in hard copy.

10 (e) Notwithstanding any other provision of this Code, the
11 Department of Human Services and the Department of Healthcare
12 and Family Services' Office of the Inspector General shall,
13 upon request, allow an applicant additional time to submit
14 information and documents needed as part of a review of
15 available resources or resources transferred during the
16 look-back period. The initial extension shall not exceed 30
17 days. A second extension of 30 days may be granted upon
18 request. Any request for information issued by the State to an
19 applicant shall include the following: an explanation of the
20 information required and the date by which the information must
21 be submitted; a statement that failure to respond in a timely
22 manner can result in denial of the application; a statement
23 that the applicant or the facility in the name of the applicant
24 may seek an extension; and the name and contact information of
25 a caseworker in case of questions. Any such request for
26 information shall also be sent to the facility. In deciding

1 whether to grant an extension, the Department of Human Services
2 or the Department of Healthcare and Family Services' Office of
3 the Inspector General shall take into account what is in the
4 best interest of the applicant. The time limits for processing
5 an application shall be tolled during the period of any
6 extension granted under this subsection.

7 (f) The Department of Human Services and the Department of
8 Healthcare and Family Services must jointly compile data on
9 pending applications, denials, appeals, and redeterminations
10 into a monthly report, which shall be posted on each
11 Department's website for the purposes of monitoring long-term
12 care eligibility processing. The report must specify the number
13 of applications and redeterminations pending long-term care
14 eligibility determination and admission and the number of
15 appeals of denials in the following categories:

16 (A) Length of time applications, redeterminations, and
17 appeals are pending - 0 to 45 days, 46 days to 90 days, 91
18 days to 180 days, 181 days to 12 months, over 12 months to
19 18 months, over 18 months to 24 months, and over 24 months.

20 (B) Percentage of applications and redeterminations
21 pending in the Department of Human Services' Family
22 Community Resource Centers, in the Department of Human
23 Services' long-term care hubs, with the Department of
24 Healthcare and Family Services' Office of Inspector
25 General, and those applications which are being tolled due
26 to requests for extension of time for additional

1 information.

2 (C) Status of pending applications, denials, appeals,
3 and redeterminations.

4 (g) Beginning on July 1, 2017, the Auditor General shall
5 report every 3 years to the General Assembly on the performance
6 and compliance of the Department of Healthcare and Family
7 Services, the Department of Human Services, and the Department
8 on Aging in meeting the requirements of this Section and the
9 federal requirements concerning eligibility determinations for
10 Medicaid long-term care services and supports, and shall report
11 any issues or deficiencies and make recommendations. The
12 Auditor General shall, at a minimum, review, consider, and
13 evaluate the following:

14 (1) compliance with federal regulations on furnishing
15 services as related to Medicaid long-term care services and
16 supports as provided under 42 CFR 435.930;

17 (2) compliance with federal regulations on the timely
18 determination of eligibility as provided under 42 CFR
19 435.912;

20 (3) the accuracy and completeness of the report
21 required under paragraph (9) of subsection (e);

22 (4) the efficacy and efficiency of the task-based
23 process used for making eligibility determinations in the
24 centralized offices of the Department of Human Services for
25 long-term care services, including the role of the State's
26 integrated eligibility system, as opposed to the

1 traditional caseworker-specific process from which these
2 central offices have converted; and

3 (5) any issues affecting eligibility determinations
4 related to the Department of Human Services' staff
5 completing Medicaid eligibility determinations instead of
6 the designated single-state Medicaid agency in Illinois,
7 the Department of Healthcare and Family Services.

8 The Auditor General's report shall include any and all
9 other areas or issues which are identified through an annual
10 review. Paragraphs (1) through (5) of this subsection shall not
11 be construed to limit the scope of the annual review and the
12 Auditor General's authority to thoroughly and completely
13 evaluate any and all processes, policies, and procedures
14 concerning compliance with federal and State law requirements
15 on eligibility determinations for Medicaid long-term care
16 services and supports.

17 (h) The Department of Healthcare and Family Services shall
18 adopt any rules necessary to administer and enforce any
19 provision of this Section. Rulemaking shall not delay the full
20 implementation of this Section.

21 (i) Beginning on June 29, 2018, provisional eligibility for
22 medical assistance under Article V of this Code, in the form of
23 a recipient identification number and any other necessary
24 credentials to permit an applicant to receive covered services
25 under Article V, must be issued to any applicant who has not
26 received a determination on his or her application for Medicaid

1 and Medicaid long-term care services filed simultaneously or,
2 if already Medicaid enrolled, application for Medicaid
3 long-term care services under Article V of this Code within the
4 federally prescribed timeliness requirements for
5 determinations on such applications. The Department of
6 Healthcare and Family Services must maintain the applicant's
7 provisional eligibility status until a determination is made on
8 the individual's application for long-term care services. The
9 Department of Healthcare and Family Services or the managed
10 care organization, if applicable, must reimburse providers for
11 services rendered during an applicant's provisional
12 eligibility period.

13 (1) Claims for services rendered to an applicant with
14 provisional eligibility status must be submitted and
15 processed in the same manner as those submitted on behalf
16 of beneficiaries determined to qualify for benefits.

17 (2) An applicant with provisional eligibility status
18 must have his or her long-term care benefits paid for under
19 the State's fee-for-service system during the period of
20 provisional eligibility. If an individual otherwise
21 eligible for medical assistance under Article V of this
22 Code is enrolled with a managed care organization for
23 community benefits at the time the individual's
24 provisional eligibility for long-term care services is
25 issued, the managed care organization is only responsible
26 for paying benefits covered under the capitation payment

1 received by the managed care organization for the
2 individual.

3 (3) The Department of Healthcare and Family Services,
4 within 10 business days of issuing provisional eligibility
5 to an applicant, must submit to the Office of the
6 Comptroller for payment a voucher for all retroactive
7 reimbursement due. The Department of Healthcare and Family
8 Services must clearly identify such vouchers as
9 provisional eligibility vouchers.

10 (Source: P.A. 100-380, eff. 8-25-17; 100-665, eff. 8-2-18;
11 100-1141, eff. 11-28-18; 101-101, eff. 1-1-20; 101-209, eff.
12 8-5-19; 101-265, eff. 8-9-19; 101-559, eff. 8-23-19; revised
13 9-19-19.)

14 (305 ILCS 5/12-4.13c)

15 Sec. 12-4.13c. SNAP Restaurant Meals Program.

16 (a) Subject to federal approval of the plan for operating
17 the Program, the Department of Human Services shall establish a
18 Restaurant Meals Program as part of the federal Supplemental
19 Nutrition Assistance Program (SNAP). Under the Restaurant
20 Meals Program, households containing elderly or disabled
21 members, and their spouses, as defined in 7 U.S.C. 2012(j), or
22 homeless individuals, as defined in 7 U.S.C. 2012(l), shall
23 have the option in accordance with 7 U.S.C. 2012(k) to redeem
24 their SNAP benefits at private establishments that contract
25 with the Department to offer meals for eligible individuals at

1 concessional prices subject to 7 U.S.C. 2018(h). The Restaurant
2 Meals Program shall be operational no later than July 1, 2021.

3 (b) The Department of Human Services shall adopt any rules
4 necessary to implement the provisions of this Section.

5 (Source: P.A. 101-10, eff. 6-5-19; 101-110, eff. 7-19-19.)

6 (305 ILCS 5/12-4.13d)

7 Sec. 12-4.13d ~~12-4.13e~~. SNAP eligibility notification;
8 college students.

9 (a) To complement student financial assistance programs
10 and to enhance their effectiveness for students with financial
11 need, the Illinois Student Assistance Commission (ISAC) shall
12 annually include information about the Supplemental Nutrition
13 Assistance Program (SNAP) in the language that schools are
14 required to provide to students eligible for the Monetary Award
15 Program grant. The language shall, at a minimum, direct
16 students to information about college student eligibility
17 criteria for SNAP, and it shall direct students to the
18 Department of Human Services and to the Illinois Hunger
19 Coalition's Hunger Hotline for additional information.

20 (b) Illinois institutions of higher education that
21 participate in the Monetary Award Program (MAP) shall provide
22 the notice described in subsection (a) to all students who are
23 enrolled, or who are accepted for enrollment and intending to
24 enroll, and who have been identified by ISAC as MAP-eligible at
25 the institution. If possible, the institution may designate a

1 public benefits liaison or single point person to assist
2 students in taking the necessary steps to obtain public
3 benefits if eligible.

4 (c) ISAC shall adopt any rules necessary to implement the
5 provisions of this Section on or before October 1, 2020.

6 (Source: P.A. 101-560, eff. 8-23-19; revised 10-22-19.)

7 (305 ILCS 5/14-12)

8 Sec. 14-12. Hospital rate reform payment system. The
9 hospital payment system pursuant to Section 14-11 of this
10 Article shall be as follows:

11 (a) Inpatient hospital services. Effective for discharges
12 on and after July 1, 2014, reimbursement for inpatient general
13 acute care services shall utilize the All Patient Refined
14 Diagnosis Related Grouping (APR-DRG) software, version 30,
15 distributed by 3MTM Health Information System.

16 (1) The Department shall establish Medicaid weighting
17 factors to be used in the reimbursement system established
18 under this subsection. Initial weighting factors shall be
19 the weighting factors as published by 3M Health Information
20 System, associated with Version 30.0 adjusted for the
21 Illinois experience.

22 (2) The Department shall establish a
23 statewide-standardized amount to be used in the inpatient
24 reimbursement system. The Department shall publish these
25 amounts on its website no later than 10 calendar days prior

1 to their effective date.

2 (3) In addition to the statewide-standardized amount,
3 the Department shall develop adjusters to adjust the rate
4 of reimbursement for critical Medicaid providers or
5 services for trauma, transplantation services, perinatal
6 care, and Graduate Medical Education (GME).

7 (4) The Department shall develop add-on payments to
8 account for exceptionally costly inpatient stays,
9 consistent with Medicare outlier principles. Outlier fixed
10 loss thresholds may be updated to control for excessive
11 growth in outlier payments no more frequently than on an
12 annual basis, but at least triennially. Upon updating the
13 fixed loss thresholds, the Department shall be required to
14 update base rates within 12 months.

15 (5) The Department shall define those hospitals or
16 distinct parts of hospitals that shall be exempt from the
17 APR-DRG reimbursement system established under this
18 Section. The Department shall publish these hospitals'
19 inpatient rates on its website no later than 10 calendar
20 days prior to their effective date.

21 (6) Beginning July 1, 2014 and ending on June 30, 2024,
22 in addition to the statewide-standardized amount, the
23 Department shall develop an adjustor to adjust the rate of
24 reimbursement for safety-net hospitals defined in Section
25 5-5e.1 of this Code excluding pediatric hospitals.

26 (7) Beginning July 1, 2014 and ending on June 30, 2020,

1 or upon implementation of inpatient psychiatric rate
2 increases as described in subsection (n) of Section
3 5A-12.6, in addition to the statewide-standardized amount,
4 the Department shall develop an adjustor to adjust the rate
5 of reimbursement for Illinois freestanding inpatient
6 psychiatric hospitals that are not designated as
7 children's hospitals by the Department but are primarily
8 treating patients under the age of 21.

9 (7.5) Beginning July 1, 2020, the reimbursement for
10 inpatient psychiatric services shall be so that base claims
11 projected reimbursement is increased by an amount equal to
12 the funds allocated in paragraph (2) of subsection (b) of
13 Section 5A-12.6, less the amount allocated under
14 paragraphs (8) and (9) of this subsection and paragraphs
15 (3) and (4) of subsection (b) multiplied by 13%. Beginning
16 July 1, 2022, the reimbursement for inpatient psychiatric
17 services shall be so that base claims projected
18 reimbursement is increased by an amount equal to the funds
19 allocated in paragraph (3) of subsection (b) of Section
20 5A-12.6, less the amount allocated under paragraphs (8) and
21 (9) of this subsection and paragraphs (3) and (4) of
22 subsection (b) multiplied by 13%. Beginning July 1, 2024,
23 the reimbursement for inpatient psychiatric services shall
24 be so that base claims projected reimbursement is increased
25 by an amount equal to the funds allocated in paragraph (4)
26 of subsection (b) of Section 5A-12.6, less the amount

1 allocated under paragraphs (8) and (9) of this subsection
2 and paragraphs (3) and (4) of subsection (b) multiplied by
3 13%.

4 (8) Beginning July 1, 2018, in addition to the
5 statewide-standardized amount, the Department shall adjust
6 the rate of reimbursement for hospitals designated by the
7 Department of Public Health as a Perinatal Level II or II+
8 center by applying the same adjustor that is applied to
9 Perinatal and Obstetrical care cases for Perinatal Level
10 III centers, as of December 31, 2017.

11 (9) Beginning July 1, 2018, in addition to the
12 statewide-standardized amount, the Department shall apply
13 the same adjustor that is applied to trauma cases as of
14 December 31, 2017 to inpatient claims to treat patients
15 with burns, including, but not limited to, APR-DRGs 841,
16 842, 843, and 844.

17 (10) Beginning July 1, 2018, the
18 statewide-standardized amount for inpatient general acute
19 care services shall be uniformly increased so that base
20 claims projected reimbursement is increased by an amount
21 equal to the funds allocated in paragraph (1) of subsection
22 (b) of Section 5A-12.6, less the amount allocated under
23 paragraphs (8) and (9) of this subsection and paragraphs
24 (3) and (4) of subsection (b) multiplied by 40%. Beginning
25 July 1, 2020, the statewide-standardized amount for
26 inpatient general acute care services shall be uniformly

1 increased so that base claims projected reimbursement is
2 increased by an amount equal to the funds allocated in
3 paragraph (2) of subsection (b) of Section 5A-12.6, less
4 the amount allocated under paragraphs (8) and (9) of this
5 subsection and paragraphs (3) and (4) of subsection (b)
6 multiplied by 40%. Beginning July 1, 2022, the
7 statewide-standardized amount for inpatient general acute
8 care services shall be uniformly increased so that base
9 claims projected reimbursement is increased by an amount
10 equal to the funds allocated in paragraph (3) of subsection
11 (b) of Section 5A-12.6, less the amount allocated under
12 paragraphs (8) and (9) of this subsection and paragraphs
13 (3) and (4) of subsection (b) multiplied by 40%. Beginning
14 July 1, 2023 the statewide-standardized amount for
15 inpatient general acute care services shall be uniformly
16 increased so that base claims projected reimbursement is
17 increased by an amount equal to the funds allocated in
18 paragraph (4) of subsection (b) of Section 5A-12.6, less
19 the amount allocated under paragraphs (8) and (9) of this
20 subsection and paragraphs (3) and (4) of subsection (b)
21 multiplied by 40%.

22 (11) Beginning July 1, 2018, the reimbursement for
23 inpatient rehabilitation services shall be increased by
24 the addition of a \$96 per day add-on.

25 Beginning July 1, 2020, the reimbursement for
26 inpatient rehabilitation services shall be uniformly

1 increased so that the \$96 per day add-on is increased by an
2 amount equal to the funds allocated in paragraph (2) of
3 subsection (b) of Section 5A-12.6, less the amount
4 allocated under paragraphs (8) and (9) of this subsection
5 and paragraphs (3) and (4) of subsection (b) multiplied by
6 0.9%.

7 Beginning July 1, 2022, the reimbursement for
8 inpatient rehabilitation services shall be uniformly
9 increased so that the \$96 per day add-on as adjusted by the
10 July 1, 2020 increase, is increased by an amount equal to
11 the funds allocated in paragraph (3) of subsection (b) of
12 Section 5A-12.6, less the amount allocated under
13 paragraphs (8) and (9) of this subsection and paragraphs
14 (3) and (4) of subsection (b) multiplied by 0.9%.

15 Beginning July 1, 2023, the reimbursement for
16 inpatient rehabilitation services shall be uniformly
17 increased so that the \$96 per day add-on as adjusted by the
18 July 1, 2022 increase, is increased by an amount equal to
19 the funds allocated in paragraph (4) of subsection (b) of
20 Section 5A-12.6, less the amount allocated under
21 paragraphs (8) and (9) of this subsection and paragraphs
22 (3) and (4) of subsection (b) multiplied by 0.9%.

23 (b) Outpatient hospital services. Effective for dates of
24 service on and after July 1, 2014, reimbursement for outpatient
25 services shall utilize the Enhanced Ambulatory Procedure
26 Grouping (EAPG) software, version 3.7 distributed by 3MTM

1 Health Information System.

2 (1) The Department shall establish Medicaid weighting
3 factors to be used in the reimbursement system established
4 under this subsection. The initial weighting factors shall
5 be the weighting factors as published by 3M Health
6 Information System, associated with Version 3.7.

7 (2) The Department shall establish service specific
8 statewide-standardized amounts to be used in the
9 reimbursement system.

10 (A) The initial statewide standardized amounts,
11 with the labor portion adjusted by the Calendar Year
12 2013 Medicare Outpatient Prospective Payment System
13 wage index with reclassifications, shall be published
14 by the Department on its website no later than 10
15 calendar days prior to their effective date.

16 (B) The Department shall establish adjustments to
17 the statewide-standardized amounts for each Critical
18 Access Hospital, as designated by the Department of
19 Public Health in accordance with 42 CFR 485, Subpart F.
20 For outpatient services provided on or before June 30,
21 2018, the EAPG standardized amounts are determined
22 separately for each critical access hospital such that
23 simulated EAPG payments using outpatient base period
24 paid claim data plus payments under Section 5A-12.4 of
25 this Code net of the associated tax costs are equal to
26 the estimated costs of outpatient base period claims

1 data with a rate year cost inflation factor applied.

2 (3) In addition to the statewide-standardized amounts,
3 the Department shall develop adjusters to adjust the rate
4 of reimbursement for critical Medicaid hospital outpatient
5 providers or services, including outpatient high volume or
6 safety-net hospitals. Beginning July 1, 2018, the
7 outpatient high volume adjustor shall be increased to
8 increase annual expenditures associated with this adjustor
9 by \$79,200,000, based on the State Fiscal Year 2015 base
10 year data and this adjustor shall apply to public
11 hospitals, except for large public hospitals, as defined
12 under 89 Ill. Adm. Code 148.25(a).

13 (4) Beginning July 1, 2018, in addition to the
14 statewide standardized amounts, the Department shall make
15 an add-on payment for outpatient expensive devices and
16 drugs. This add-on payment shall at least apply to claim
17 lines that: (i) are assigned with one of the following
18 EAPGs: 490, 1001 to 1020, and coded with one of the
19 following revenue codes: 0274 to 0276, 0278; or (ii) are
20 assigned with one of the following EAPGs: 430 to 441, 443,
21 444, 460 to 465, 495, 496, 1090. The add-on payment shall
22 be calculated as follows: the claim line's covered charges
23 multiplied by the hospital's total acute cost to charge
24 ratio, less the claim line's EAPG payment plus \$1,000,
25 multiplied by 0.8.

26 (5) Beginning July 1, 2018, the statewide-standardized

1 amounts for outpatient services shall be increased by a
2 uniform percentage so that base claims projected
3 reimbursement is increased by an amount equal to no less
4 than the funds allocated in paragraph (1) of subsection (b)
5 of Section 5A-12.6, less the amount allocated under
6 paragraphs (8) and (9) of subsection (a) and paragraphs (3)
7 and (4) of this subsection multiplied by 46%. Beginning
8 July 1, 2020, the statewide-standardized amounts for
9 outpatient services shall be increased by a uniform
10 percentage so that base claims projected reimbursement is
11 increased by an amount equal to no less than the funds
12 allocated in paragraph (2) of subsection (b) of Section
13 5A-12.6, less the amount allocated under paragraphs (8) and
14 (9) of subsection (a) and paragraphs (3) and (4) of this
15 subsection multiplied by 46%. Beginning July 1, 2022, the
16 statewide-standardized amounts for outpatient services
17 shall be increased by a uniform percentage so that base
18 claims projected reimbursement is increased by an amount
19 equal to the funds allocated in paragraph (3) of subsection
20 (b) of Section 5A-12.6, less the amount allocated under
21 paragraphs (8) and (9) of subsection (a) and paragraphs (3)
22 and (4) of this subsection multiplied by 46%. Beginning
23 July 1, 2023, the statewide-standardized amounts for
24 outpatient services shall be increased by a uniform
25 percentage so that base claims projected reimbursement is
26 increased by an amount equal to no less than the funds

1 allocated in paragraph (4) of subsection (b) of Section
2 5A-12.6, less the amount allocated under paragraphs (8) and
3 (9) of subsection (a) and paragraphs (3) and (4) of this
4 subsection multiplied by 46%.

5 (6) Effective for dates of service on or after July 1,
6 2018, the Department shall establish adjustments to the
7 statewide-standardized amounts for each Critical Access
8 Hospital, as designated by the Department of Public Health
9 in accordance with 42 CFR 485, Subpart F, such that each
10 Critical Access Hospital's standardized amount for
11 outpatient services shall be increased by the applicable
12 uniform percentage determined pursuant to paragraph (5) of
13 this subsection. It is the intent of the General Assembly
14 that the adjustments required under this paragraph (6) by
15 Public Act 100-1181 ~~this amendatory Act of the 100th~~
16 ~~General Assembly~~ shall be applied retroactively to claims
17 for dates of service provided on or after July 1, 2018.

18 (7) Effective for dates of service on or after March 8,
19 2019 (the effective date of Public Act 100-1181) ~~this~~
20 ~~amendatory Act of the 100th General Assembly~~, the
21 Department shall recalculate and implement an updated
22 statewide-standardized amount for outpatient services
23 provided by hospitals that are not Critical Access
24 Hospitals to reflect the applicable uniform percentage
25 determined pursuant to paragraph (5).

26 (1) Any recalculation to the

1 statewide-standardized amounts for outpatient services
2 provided by hospitals that are not Critical Access
3 Hospitals shall be the amount necessary to achieve the
4 increase in the statewide-standardized amounts for
5 outpatient services increased by a uniform percentage,
6 so that base claims projected reimbursement is
7 increased by an amount equal to no less than the funds
8 allocated in paragraph (1) of subsection (b) of Section
9 5A-12.6, less the amount allocated under paragraphs
10 (8) and (9) of subsection (a) and paragraphs (3) and
11 (4) of this subsection, for all hospitals that are not
12 Critical Access Hospitals, multiplied by 46%.

13 (2) It is the intent of the General Assembly that
14 the recalculations required under this paragraph (7)
15 by Public Act 100-1181 ~~this amendatory Act of the 100th~~
16 ~~General Assembly~~ shall be applied prospectively to
17 claims for dates of service provided on or after March
18 8, 2019 (the effective date of Public Act 100-1181)
19 ~~this amendatory Act of the 100th General Assembly~~ and
20 that no recoupment or repayment by the Department or an
21 MCO of payments attributable to recalculation under
22 this paragraph (7), issued to the hospital for dates of
23 service on or after July 1, 2018 and before March 8,
24 2019 (the effective date of Public Act 100-1181) ~~this~~
25 ~~amendatory Act of the 100th General Assembly~~, shall be
26 permitted.

1 (8) The Department shall ensure that all necessary
2 adjustments to the managed care organization capitation
3 base rates necessitated by the adjustments under
4 subparagraph (6) or (7) of this subsection are completed
5 and applied retroactively in accordance with Section
6 5-30.8 of this Code within 90 days of March 8, 2019 (the
7 effective date of Public Act 100-1181) ~~this amendatory Act~~
8 ~~of the 100th General Assembly.~~

9 (c) In consultation with the hospital community, the
10 Department is authorized to replace 89 Ill. Admin. Code 152.150
11 as published in 38 Ill. Reg. 4980 through 4986 within 12 months
12 of June 16, 2014 (the effective date of Public Act 98-651). If
13 the Department does not replace these rules within 12 months of
14 June 16, 2014 (the effective date of Public Act 98-651), the
15 rules in effect for 152.150 as published in 38 Ill. Reg. 4980
16 through 4986 shall remain in effect until modified by rule by
17 the Department. Nothing in this subsection shall be construed
18 to mandate that the Department file a replacement rule.

19 (d) Transition period. There shall be a transition period
20 to the reimbursement systems authorized under this Section that
21 shall begin on the effective date of these systems and continue
22 until June 30, 2018, unless extended by rule by the Department.
23 To help provide an orderly and predictable transition to the
24 new reimbursement systems and to preserve and enhance access to
25 the hospital services during this transition, the Department
26 shall allocate a transitional hospital access pool of at least

1 \$290,000,000 annually so that transitional hospital access
2 payments are made to hospitals.

3 (1) After the transition period, the Department may
4 begin incorporating the transitional hospital access pool
5 into the base rate structure; however, the transitional
6 hospital access payments in effect on June 30, 2018 shall
7 continue to be paid, if continued under Section 5A-16.

8 (2) After the transition period, if the Department
9 reduces payments from the transitional hospital access
10 pool, it shall increase base rates, develop new adjustors,
11 adjust current adjustors, develop new hospital access
12 payments based on updated information, or any combination
13 thereof by an amount equal to the decreases proposed in the
14 transitional hospital access pool payments, ensuring that
15 the entire transitional hospital access pool amount shall
16 continue to be used for hospital payments.

17 (d-5) Hospital transformation program. The Department, in
18 conjunction with the Hospital Transformation Review Committee
19 created under subsection (d-5), shall develop a hospital
20 transformation program to provide financial assistance to
21 hospitals in transforming their services and care models to
22 better align with the needs of the communities they serve. The
23 payments authorized in this Section shall be subject to
24 approval by the federal government.

25 (1) Phase 1. In State fiscal years 2019 through 2020,
26 the Department shall allocate funds from the transitional

1 access hospital pool to create a hospital transformation
2 pool of at least \$262,906,870 annually and make hospital
3 transformation payments to hospitals. Subject to Section
4 5A-16, in State fiscal years 2019 and 2020, an Illinois
5 hospital that received either a transitional hospital
6 access payment under subsection (d) or a supplemental
7 payment under subsection (f) of this Section in State
8 fiscal year 2018, shall receive a hospital transformation
9 payment as follows:

10 (A) If the hospital's Rate Year 2017 Medicaid
11 inpatient utilization rate is equal to or greater than
12 45%, the hospital transformation payment shall be
13 equal to 100% of the sum of its transitional hospital
14 access payment authorized under subsection (d) and any
15 supplemental payment authorized under subsection (f).

16 (B) If the hospital's Rate Year 2017 Medicaid
17 inpatient utilization rate is equal to or greater than
18 25% but less than 45%, the hospital transformation
19 payment shall be equal to 75% of the sum of its
20 transitional hospital access payment authorized under
21 subsection (d) and any supplemental payment authorized
22 under subsection (f).

23 (C) If the hospital's Rate Year 2017 Medicaid
24 inpatient utilization rate is less than 25%, the
25 hospital transformation payment shall be equal to 50%
26 of the sum of its transitional hospital access payment

1 authorized under subsection (d) and any supplemental
2 payment authorized under subsection (f).

3 (2) Phase 2. During State fiscal years 2021 and 2022,
4 the Department shall allocate funds from the transitional
5 access hospital pool to create a hospital transformation
6 pool annually and make hospital transformation payments to
7 hospitals participating in the transformation program. Any
8 hospital may seek transformation funding in Phase 2. Any
9 hospital that seeks transformation funding in Phase 2 to
10 update or repurpose the hospital's physical structure to
11 transition to a new delivery model, must submit to the
12 Department in writing a transformation plan, based on the
13 Department's guidelines, that describes the desired
14 delivery model with projections of patient volumes by
15 service lines and projected revenues, expenses, and net
16 income that correspond to the new delivery model. In Phase
17 2, subject to the approval of rules, the Department may use
18 the hospital transformation pool to increase base rates,
19 develop new adjustors, adjust current adjustors, or
20 develop new access payments in order to support and
21 incentivize hospitals to pursue such transformation. In
22 developing such methodologies, the Department shall ensure
23 that the entire hospital transformation pool continues to
24 be expended to ensure access to hospital services or to
25 support organizations that had received hospital
26 transformation payments under this Section.

1 (A) Any hospital participating in the hospital
2 transformation program shall provide an opportunity
3 for public input by local community groups, hospital
4 workers, and healthcare professionals and assist in
5 facilitating discussions about any transformations or
6 changes to the hospital.

7 (B) As provided in paragraph (9) of Section 3 of
8 the Illinois Health Facilities Planning Act, any
9 hospital participating in the transformation program
10 may be excluded from the requirements of the Illinois
11 Health Facilities Planning Act for those projects
12 related to the hospital's transformation. To be
13 eligible, the hospital must submit to the Health
14 Facilities and Services Review Board certification
15 from the Department, approved by the Hospital
16 Transformation Review Committee, that the project is a
17 part of the hospital's transformation.

18 (C) As provided in subsection (a-20) of Section
19 32.5 of the Emergency Medical Services (EMS) Systems
20 Act, a hospital that received hospital transformation
21 payments under this Section may convert to a
22 freestanding emergency center. To be eligible for such
23 a conversion, the hospital must submit to the
24 Department of Public Health certification from the
25 Department, approved by the Hospital Transformation
26 Review Committee, that the project is a part of the

1 hospital's transformation.

2 (3) By April 1, 2019, ~~March 12, 2018~~ ~~(Public Act~~
3 ~~100-581)~~ the Department, in conjunction with the Hospital
4 Transformation Review Committee, shall develop and file as
5 an administrative rule with the Secretary of State the
6 goals, objectives, policies, standards, payment models, or
7 criteria to be applied in Phase 2 of the program to
8 allocate the hospital transformation funds. The goals,
9 objectives, and policies to be considered may include, but
10 are not limited to, achieving unmet needs of a community
11 that a hospital serves such as behavioral health services,
12 outpatient services, or drug rehabilitation services;
13 attaining certain quality or patient safety benchmarks for
14 health care services; or improving the coordination,
15 effectiveness, and efficiency of care delivery.
16 Notwithstanding any other provision of law, any rule
17 adopted in accordance with this subsection (d-5) may be
18 submitted to the Joint Committee on Administrative Rules
19 for approval only if the rule has first been approved by 9
20 of the 14 members of the Hospital Transformation Review
21 Committee.

22 (4) Hospital Transformation Review Committee. There is
23 created the Hospital Transformation Review Committee. The
24 Committee shall consist of 14 members. No later than 30
25 days after March 12, 2018 (the effective date of Public Act
26 100-581), the 4 legislative leaders shall each appoint 3

1 members; the Governor shall appoint the Director of
2 Healthcare and Family Services, or his or her designee, as
3 a member; and the Director of Healthcare and Family
4 Services shall appoint one member. Any vacancy shall be
5 filled by the applicable appointing authority within 15
6 calendar days. The members of the Committee shall select a
7 Chair and a Vice-Chair from among its members, provided
8 that the Chair and Vice-Chair cannot be appointed by the
9 same appointing authority and must be from different
10 political parties. The Chair shall have the authority to
11 establish a meeting schedule and convene meetings of the
12 Committee, and the Vice-Chair shall have the authority to
13 convene meetings in the absence of the Chair. The Committee
14 may establish its own rules with respect to meeting
15 schedule, notice of meetings, and the disclosure of
16 documents; however, the Committee shall not have the power
17 to subpoena individuals or documents and any rules must be
18 approved by 9 of the 14 members. The Committee shall
19 perform the functions described in this Section and advise
20 and consult with the Director in the administration of this
21 Section. In addition to reviewing and approving the
22 policies, procedures, and rules for the hospital
23 transformation program, the Committee shall consider and
24 make recommendations related to qualifying criteria and
25 payment methodologies related to safety-net hospitals and
26 children's hospitals. Members of the Committee appointed

1 by the legislative leaders shall be subject to the
2 jurisdiction of the Legislative Ethics Commission, not the
3 Executive Ethics Commission, and all requests under the
4 Freedom of Information Act shall be directed to the
5 applicable Freedom of Information officer for the General
6 Assembly. The Department shall provide operational support
7 to the Committee as necessary. The Committee is dissolved
8 on April 1, 2019.

9 (e) Beginning 36 months after initial implementation, the
10 Department shall update the reimbursement components in
11 subsections (a) and (b), including standardized amounts and
12 weighting factors, and at least triennially and no more
13 frequently than annually thereafter. The Department shall
14 publish these updates on its website no later than 30 calendar
15 days prior to their effective date.

16 (f) Continuation of supplemental payments. Any
17 supplemental payments authorized under Illinois Administrative
18 Code 148 effective January 1, 2014 and that continue during the
19 period of July 1, 2014 through December 31, 2014 shall remain
20 in effect as long as the assessment imposed by Section 5A-2
21 that is in effect on December 31, 2017 remains in effect.

22 (g) Notwithstanding subsections (a) through (f) of this
23 Section and notwithstanding the changes authorized under
24 Section 5-5b.1, any updates to the system shall not result in
25 any diminishment of the overall effective rates of
26 reimbursement as of the implementation date of the new system

1 (July 1, 2014). These updates shall not preclude variations in
2 any individual component of the system or hospital rate
3 variations. Nothing in this Section shall prohibit the
4 Department from increasing the rates of reimbursement or
5 developing payments to ensure access to hospital services.
6 Nothing in this Section shall be construed to guarantee a
7 minimum amount of spending in the aggregate or per hospital as
8 spending may be impacted by factors, including, but not limited
9 to, the number of individuals in the medical assistance program
10 and the severity of illness of the individuals.

11 (h) The Department shall have the authority to modify by
12 rulemaking any changes to the rates or methodologies in this
13 Section as required by the federal government to obtain federal
14 financial participation for expenditures made under this
15 Section.

16 (i) Except for subsections (g) and (h) of this Section, the
17 Department shall, pursuant to subsection (c) of Section 5-40 of
18 the Illinois Administrative Procedure Act, provide for
19 presentation at the June 2014 hearing of the Joint Committee on
20 Administrative Rules (JCAR) additional written notice to JCAR
21 of the following rules in order to commence the second notice
22 period for the following rules: rules published in the Illinois
23 Register, rule dated February 21, 2014 at 38 Ill. Reg. 4559
24 (Medical Payment), 4628 (Specialized Health Care Delivery
25 Systems), 4640 (Hospital Services), 4932 (Diagnostic Related
26 Grouping (DRG) Prospective Payment System (PPS)), and 4977

1 (Hospital Reimbursement Changes), and published in the
2 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499
3 (Specialized Health Care Delivery Systems) and 6505 (Hospital
4 Services).

5 (j) Out-of-state hospitals. Beginning July 1, 2018, for
6 purposes of determining for State fiscal years 2019 and 2020
7 the hospitals eligible for the payments authorized under
8 subsections (a) and (b) of this Section, the Department shall
9 include out-of-state hospitals that are designated a Level I
10 pediatric trauma center or a Level I trauma center by the
11 Department of Public Health as of December 1, 2017.

12 (k) The Department shall notify each hospital and managed
13 care organization, in writing, of the impact of the updates
14 under this Section at least 30 calendar days prior to their
15 effective date.

16 (Source: P.A. 100-581, eff. 3-12-18; 100-1181, eff. 3-8-19;
17 101-81, eff. 7-12-19; revised 7-29-19.)

18 Section 525. The Abused and Neglected Child Reporting Act
19 is amended by changing Section 7 as follows:

20 (325 ILCS 5/7) (from Ch. 23, par. 2057)

21 Sec. 7. Time and manner of making reports. All reports of
22 suspected child abuse or neglect made under this Act shall be
23 made immediately by telephone to the central register
24 established under Section 7.7 on the single, State-wide,

1 toll-free telephone number established in Section 7.6, or in
2 person or by telephone through the nearest Department office.
3 The Department shall, in cooperation with school officials,
4 distribute appropriate materials in school buildings listing
5 the toll-free telephone number established in Section 7.6,
6 including methods of making a report under this Act. The
7 Department may, in cooperation with appropriate members of the
8 clergy, distribute appropriate materials in churches,
9 synagogues, temples, mosques, or other religious buildings
10 listing the toll-free telephone number established in Section
11 7.6, including methods of making a report under this Act.

12 Wherever the Statewide number is posted, there shall also
13 be posted the following notice:

14 "Any person who knowingly transmits a false report to the
15 Department commits the offense of disorderly conduct under
16 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
17 A violation of this subsection is a Class 4 felony."

18 The report required by this Act shall include, if known,
19 the name and address of the child and his parents or other
20 persons having his custody; the child's age; the nature of the
21 child's condition, including any evidence of previous injuries
22 or disabilities; and any other information that the person
23 filing the report believes might be helpful in establishing the
24 cause of such abuse or neglect and the identity of the person
25 believed to have caused such abuse or neglect. Reports made to
26 the central register through the State-wide, toll-free

1 telephone number shall be immediately transmitted by the
2 Department to the appropriate Child Protective Service Unit.
3 All such reports alleging the death of a child, serious injury
4 to a child, including, but not limited to, brain damage, skull
5 fractures, subdural hematomas, and internal injuries, torture
6 of a child, malnutrition of a child, and sexual abuse to a
7 child, including, but not limited to, sexual intercourse,
8 sexual exploitation, sexual molestation, and sexually
9 transmitted disease in a child age 12 and under, shall also be
10 immediately transmitted by the Department to the appropriate
11 local law enforcement agency. The Department shall within 24
12 hours orally notify local law enforcement personnel and the
13 office of the State's Attorney of the involved county of the
14 receipt of any report alleging the death of a child, serious
15 injury to a child, including, but not limited to, brain damage,
16 skull fractures, subdural hematomas, and~~7~~ internal injuries,
17 torture of a child, malnutrition of a child, and sexual abuse
18 to a child, including, but not limited to, sexual intercourse,
19 sexual exploitation, sexual molestation, and sexually
20 transmitted disease in a child age 12 ~~twelve~~ and under. All
21 oral reports made by the Department to local law enforcement
22 personnel and the office of the State's Attorney of the
23 involved county shall be confirmed in writing within 24 hours
24 of the oral report. All reports by persons mandated to report
25 under this Act shall be confirmed in writing to the appropriate
26 Child Protective Service Unit, which may be on forms supplied

1 by the Department, within 48 hours of any initial report.

2 Any report received by the Department alleging the abuse or
3 neglect of a child by a person who is not the child's parent, a
4 member of the child's immediate family, a person responsible
5 for the child's welfare, an individual residing in the same
6 home as the child, or a paramour of the child's parent shall
7 immediately be referred to the appropriate local law
8 enforcement agency for consideration of criminal investigation
9 or other action.

10 Written confirmation reports from persons not required to
11 report by this Act may be made to the appropriate Child
12 Protective Service Unit. Written reports from persons required
13 by this Act to report shall be admissible in evidence in any
14 judicial proceeding or administrative hearing relating to
15 child abuse or neglect. Reports involving known or suspected
16 child abuse or neglect in public or private residential
17 agencies or institutions shall be made and received in the same
18 manner as all other reports made under this Act.

19 For purposes of this Section, "child" includes an adult
20 resident as defined in this Act.

21 (Source: P.A. 101-583, eff. 1-1-20; revised 11-21-19.)

22 Section 530. The Mental Health and Developmental
23 Disabilities Code is amended by changing Sections 2-110.1 and
24 2-110.5 and by renumbering Section 3-5A-105 as follows:

1 (405 ILCS 5/2-110.1)

2 Sec. 2-110.1. Reports.

3 (a) A mental hospital or facility at which
4 electroconvulsive ~~electro-convulsive~~ therapy is administered
5 shall submit to the Department quarterly reports relating to
6 the administration of the therapy for the purposes of reducing
7 morbidity or mortality and improving patient care.

8 (b) A report shall state the following for each quarter:

9 (1) The number of persons who received the therapy,
10 including:

11 (A) the number of persons who gave informed consent
12 to the therapy;

13 (B) the number of persons confined as subject to
14 involuntary admission who gave informed consent to the
15 therapy;

16 (C) the number of persons who received the therapy
17 without informed consent pursuant to Section 2-107.1;
18 and

19 (D) the number of persons who received the therapy
20 on an emergency basis pursuant to subsection (d) of
21 Section 2-107.1.

22 (2) The age, sex, and race of the recipients of the
23 therapy.

24 (3) The source of the treatment payment.

25 (4) The average number of electroconvulsive
26 ~~electro-convulsive~~ treatments administered for each

1 complete series of treatments, but not including
2 maintenance treatments.

3 (5) The average number of maintenance
4 electroconvulsive ~~electroconvulsive~~ treatments
5 administered per month.

6 (6) Any significant adverse reactions to the treatment
7 as defined by rule.

8 (7) Autopsy findings if death followed within 14 days
9 after the date of the administration of the therapy.

10 (8) Any other information required by the Department by
11 rule.

12 (c) The Department shall prepare and publish an annual
13 written report summarizing the information received under this
14 Section. The report shall not contain any information that
15 identifies or tends to identify any facility, physician, health
16 care provider, or patient.

17 (Source: P.A. 90-538, eff. 12-1-97; revised 7-18-19.)

18 (405 ILCS 5/2-110.5)

19 Sec. 2-110.5. Electroconvulsive ~~Electroconvulsive~~ therapy
20 for minors. If a recipient is a minor, that recipient's parent
21 or guardian is authorized, only with the approval of the court
22 under the procedures set out in Section 2-107.1, to provide
23 consent for participation of the minor in electroconvulsive
24 ~~electroconvulsive~~ therapy if the parent or guardian deems it
25 to be in the best interest of the minor. In addition to the

1 requirements in Section 2-107.1, prior to the court entering an
2 order approving treatment by electroconvulsive
3 ~~electroconvulsive~~ therapy, 2 licensed psychiatrists, one of
4 which may be the minor's treating psychiatrist, who have
5 examined the patient must concur in the determination that the
6 minor should participate in treatment by electroconvulsive
7 ~~electroconvulsive~~ therapy.

8 (Source: P.A. 91-74, eff. 7-9-99; revised 7-18-19.)

9 (405 ILCS 5/3-550)

10 Sec. 3-550 ~~3-5A-105~~. Minors 12 years of age or older
11 request to receive counseling services or psychotherapy on an
12 outpatient basis.

13 (a) Any minor 12 years of age or older may request and
14 receive counseling services or psychotherapy on an outpatient
15 basis. The consent of the minor's parent, guardian, or person
16 in loco parentis shall not be necessary to authorize outpatient
17 counseling services or psychotherapy. However, until the
18 consent of the minor's parent, guardian, or person in loco
19 parentis has been obtained, outpatient counseling services or
20 psychotherapy provided to a minor under the age of 17 shall be
21 initially limited to not more than 8 90-minute sessions. The
22 service provider shall consider the factors contained in
23 subsection (a-1) of this Section throughout the therapeutic
24 process to determine, through consultation with the minor,
25 whether attempting to obtain the consent of a parent, guardian,

1 or person in loco parentis would be detrimental to the minor's
2 well-being. No later than the eighth session, the service
3 provider shall determine and share with the minor the service
4 provider's decision as described below:

5 (1) If the service provider finds that attempting to
6 obtain consent would not be detrimental to the minor's
7 well-being, the provider shall notify the minor that the
8 consent of a parent, guardian, or person in loco parentis
9 is required to continue counseling services or
10 psychotherapy.

11 (2) If the minor does not permit the service provider
12 to notify the parent, guardian, or person in loco parentis
13 for the purpose of consent after the eighth session the
14 service provider shall discontinue counseling services or
15 psychotherapy and shall not notify the parent, guardian, or
16 person in loco parentis about the counseling services or
17 psychotherapy.

18 (3) If the minor permits the service provider to notify
19 the parent, guardian, or person in loco parentis for the
20 purpose of consent, without discontinuing counseling
21 services or psychotherapy, the service provider shall make
22 reasonable attempts to obtain consent. The service
23 provider shall document each attempt to obtain consent in
24 the minor's clinical record. The service provider may
25 continue to provide counseling services or psychotherapy
26 without the consent of the minor's parent, guardian, or

1 person in loco parentis if:

2 (A) the service provider has made at least 2
3 unsuccessful attempts to contact the minor's parent,
4 guardian, or person in loco parentis to obtain consent;
5 and

6 (B) the service provider has obtained the minor's
7 written consent.

8 (4) If, after the eighth session, the service provider
9 of counseling services or psychotherapy determines that
10 obtaining consent would be detrimental to the minor's
11 well-being, the service provider shall consult with his or
12 her supervisor when possible to review and authorize the
13 determination under subsection (a) of this Section. The
14 service provider shall document the basis for the
15 determination in the minor's clinical record and may then
16 accept the minor's written consent to continue to provide
17 counseling services or psychotherapy without also
18 obtaining the consent of a parent, guardian, or person in
19 loco parentis.

20 (5) If the minor continues to receive counseling
21 services or psychotherapy without the consent of a parent,
22 guardian, or person in loco parentis beyond 8 sessions, the
23 service provider shall evaluate, in consultation with his
24 or her supervisor when possible, his or her determination
25 under this subsection (a), and review the determination
26 every 60 days until counseling services or psychotherapy

1 ends or the minor reaches age 17. If it is determined
2 appropriate to notify the parent, guardian, or person in
3 loco parentis and the minor consents, the service provider
4 shall proceed under paragraph (3) of subsection (a) of this
5 Section.

6 (6) When counseling services or psychotherapy are
7 related to allegations of neglect, sexual abuse, or mental
8 or physical abuse by the minor's parent, guardian, or
9 person in loco parentis, obtaining consent of that parent,
10 guardian, or person in loco parentis shall be presumed to
11 be detrimental to the minor's well-being.

12 (a-1) Each of the following factors must be present in
13 order for the service provider to find that obtaining the
14 consent of a parent, guardian, or person in loco parentis would
15 be detrimental to the minor's well-being:

16 (1) requiring the consent or notification of a parent,
17 guardian, or person in loco parentis would cause the minor
18 to reject the counseling services or psychotherapy;

19 (2) the failure to provide the counseling services or
20 psychotherapy would be detrimental to the minor's
21 well-being;

22 (3) the minor has knowingly and voluntarily sought the
23 counseling services or psychotherapy; and

24 (4) in the opinion of the service provider, the minor
25 is mature enough to participate in counseling services or
26 psychotherapy productively.

1 (a-2) The minor's parent, guardian, or person in loco
2 parentis shall not be informed of the counseling services or
3 psychotherapy without the written consent of the minor unless
4 the service provider believes the disclosure is necessary under
5 subsection (a) of this Section. If the facility director or
6 service provider intends to disclose the fact of counseling
7 services or psychotherapy, the minor shall be so informed and
8 if the minor chooses to discontinue counseling services or
9 psychotherapy after being informed of the decision of the
10 facility director or service provider to disclose the fact of
11 counseling services or psychotherapy to the parent, guardian,
12 or person in loco parentis, then the parent, guardian, or
13 person in loco parentis shall not be notified. Under the Mental
14 Health and Developmental Disabilities Confidentiality Act, the
15 facility director, his or her designee, or the service provider
16 shall not allow the minor's parent, guardian, or person in loco
17 parentis, upon request, to inspect or copy the minor's record
18 or any part of the record if the service provider finds that
19 there are compelling reasons for denying the access. Nothing in
20 this Section shall be interpreted to limit a minor's privacy
21 and confidentiality protections under State law.

22 (b) The minor's parent, guardian, or person in loco
23 parentis shall not be liable for the costs of outpatient
24 counseling services or psychotherapy which is received by the
25 minor without the consent of the minor's parent, guardian, or
26 person in loco parentis.

1 (c) Counseling services or psychotherapy provided under
2 this Section shall be provided in compliance with the
3 Professional Counselor and Clinical Professional Counselor
4 Licensing and Practice Act, the Clinical Social Work and Social
5 Work Practice Act, or the Clinical Psychologist Licensing Act.
6 (Source: P.A. 100-614, eff. 7-20-18; revised 7-11-19.)

7 Section 535. The the Maternal Mental Health Conditions
8 Education, Early Diagnosis, and Treatment Act is amended by
9 changing Section 1 as follows:

10 (405 ILCS 120/1)

11 Sec. 1. Short title. This Act may be cited as the ~~the~~
12 Maternal Mental Health Conditions Education, Early Diagnosis,
13 and Treatment Act.

14 (Source: P.A. 101-512, eff. 1-1-20; revised 12-5-19.)

15 Section 540. The Sexual Assault Survivors Emergency
16 Treatment Act is amended by changing Section 7 as follows:

17 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

18 Sec. 7. Reimbursement.

19 (a) A hospital, approved pediatric health care facility, or
20 health care professional furnishing medical forensic services,
21 an ambulance provider furnishing transportation to a sexual
22 assault survivor, a hospital, health care professional, or

1 laboratory providing follow-up healthcare, or a pharmacy
2 dispensing prescribed medications to any sexual assault
3 survivor shall furnish such services or medications to that
4 person without charge and shall seek payment as follows:

5 (1) If a sexual assault survivor is eligible to receive
6 benefits under the medical assistance program under
7 Article V of the Illinois Public Aid Code, the ambulance
8 provider, hospital, approved pediatric health care
9 facility, health care professional, laboratory, or
10 pharmacy must submit the bill to the Department of
11 Healthcare and Family Services or the appropriate Medicaid
12 managed care organization and accept the amount paid as
13 full payment.

14 (2) If a sexual assault survivor is covered by one or
15 more policies of health insurance or is a beneficiary under
16 a public or private health coverage program, the ambulance
17 provider, hospital, approved pediatric health care
18 facility, health care professional, laboratory, or
19 pharmacy shall bill the insurance company or program. With
20 respect to such insured patients, applicable deductible,
21 co-pay, co-insurance, denial of claim, or any other
22 out-of-pocket insurance-related expense may be submitted
23 to the Illinois Sexual Assault Emergency Treatment Program
24 of the Department of Healthcare and Family Services in
25 accordance with 89 Ill. Adm. Code 148.510 for payment at
26 the Department of Healthcare and Family Services'

1 allowable rates under the Illinois Public Aid Code. The
2 ambulance provider, hospital, approved pediatric health
3 care facility, health care professional, laboratory, or
4 pharmacy shall accept the amounts paid by the insurance
5 company or health coverage program and the Illinois Sexual
6 Assault Treatment Program as full payment.

7 (3) If a sexual assault survivor is neither eligible to
8 receive benefits under the medical assistance program
9 under Article V of the Illinois Public Aid Code nor covered
10 by a policy of insurance or a public or private health
11 coverage program, the ambulance provider, hospital,
12 approved pediatric health care facility, health care
13 professional, laboratory, or pharmacy shall submit the
14 request for reimbursement to the Illinois Sexual Assault
15 Emergency Treatment Program under the Department of
16 Healthcare and Family Services in accordance with 89 Ill.
17 Adm. Code 148.510 at the Department of Healthcare and
18 Family Services' allowable rates under the Illinois Public
19 Aid Code.

20 (4) If a sexual assault survivor presents a sexual
21 assault services voucher for follow-up healthcare, the
22 healthcare professional, pediatric health care facility,
23 or laboratory that provides follow-up healthcare or the
24 pharmacy that dispenses prescribed medications to a sexual
25 assault survivor shall submit the request for
26 reimbursement for follow-up healthcare, pediatric health

1 care facility, laboratory, or pharmacy services to the
2 Illinois Sexual Assault Emergency Treatment Program under
3 the Department of Healthcare and Family Services in
4 accordance with 89 Ill. Adm. Code 148.510 at the Department
5 of Healthcare and Family Services' allowable rates under
6 the Illinois Public Aid Code. Nothing in this subsection
7 (a) precludes hospitals or approved pediatric health care
8 facilities from providing follow-up healthcare and
9 receiving reimbursement under this Section.

10 (b) Nothing in this Section precludes a hospital, health
11 care provider, ambulance provider, laboratory, or pharmacy
12 from billing the sexual assault survivor or any applicable
13 health insurance or coverage for inpatient services.

14 (c) (Blank).

15 (d) On and after July 1, 2012, the Department shall reduce
16 any rate of reimbursement for services or other payments or
17 alter any methodologies authorized by this Act or the Illinois
18 Public Aid Code to reduce any rate of reimbursement for
19 services or other payments in accordance with Section 5-5e of
20 the Illinois Public Aid Code.

21 (e) The Department of Healthcare and Family Services shall
22 establish standards, rules, and regulations to implement this
23 Section.

24 (Source: P.A. 99-454, eff. 1-1-16; 100-775, eff. 1-1-19;
25 revised 7-23-19.)

1 Section 545. The Compassionate Use of Medical Cannabis
2 Program Act is amended by changing Sections 25, 35, 36, 75, and
3 160 as follows:

4 (410 ILCS 130/25)

5 Sec. 25. Immunities and presumptions related to the medical
6 use of cannabis.

7 (a) A registered qualifying patient is not subject to
8 arrest, prosecution, or denial of any right or privilege,
9 including, but not limited to, civil penalty or disciplinary
10 action by an occupational or professional licensing board, for
11 the medical use of cannabis in accordance with this Act, if the
12 registered qualifying patient possesses an amount of cannabis
13 that does not exceed an adequate supply as defined in
14 subsection (a) of Section 10 of this Act of usable cannabis
15 and, where the registered qualifying patient is a licensed
16 professional, the use of cannabis does not impair that licensed
17 professional when he or she is engaged in the practice of the
18 profession for which he or she is licensed.

19 (b) A registered designated caregiver is not subject to
20 arrest, prosecution, or denial of any right or privilege,
21 including, but not limited to, civil penalty or disciplinary
22 action by an occupational or professional licensing board, for
23 acting in accordance with this Act to assist a registered
24 qualifying patient to whom he or she is connected through the
25 Department's registration process with the medical use of

1 cannabis if the designated caregiver possesses an amount of
2 cannabis that does not exceed an adequate supply as defined in
3 subsection (a) of Section 10 of this Act of usable cannabis. A
4 school nurse or school administrator is not subject to arrest,
5 prosecution, or denial of any right or privilege, including,
6 but not limited to, a civil penalty, for acting in accordance
7 with Section 22-33 of the School Code relating to administering
8 or assisting a student in self-administering a medical cannabis
9 infused product. The total amount possessed between the
10 qualifying patient and caregiver shall not exceed the patient's
11 adequate supply as defined in subsection (a) of Section 10 of
12 this Act.

13 (c) A registered qualifying patient or registered
14 designated caregiver is not subject to arrest, prosecution, or
15 denial of any right or privilege, including, but not limited
16 to, civil penalty or disciplinary action by an occupational or
17 professional licensing board for possession of cannabis that is
18 incidental to medical use, but is not usable cannabis as
19 defined in this Act.

20 (d) (1) There is a rebuttable presumption that a registered
21 qualifying patient is engaged in, or a designated caregiver is
22 assisting with, the medical use of cannabis in accordance with
23 this Act if the qualifying patient or designated caregiver:

24 (A) is in possession of a valid registry identification
25 card; and

26 (B) is in possession of an amount of cannabis that does

1 not exceed the amount allowed under subsection (a) of
2 Section 10.

3 (2) The presumption may be rebutted by evidence that
4 conduct related to cannabis was not for the purpose of treating
5 or alleviating the qualifying patient's debilitating medical
6 condition or symptoms associated with the debilitating medical
7 condition in compliance with this Act.

8 (e) A certifying health care professional is not subject to
9 arrest, prosecution, or penalty in any manner, or denial of
10 ~~denied~~ any right or privilege, including, but not limited to,
11 civil penalty or disciplinary action by the Medical
12 Disciplinary Board or by any other occupational or professional
13 licensing board, solely for providing written certifications
14 or for otherwise stating that, in the certifying health care
15 professional's professional opinion, a patient is likely to
16 receive therapeutic or palliative benefit from the medical use
17 of cannabis to treat or alleviate the patient's debilitating
18 medical condition or symptoms associated with the debilitating
19 medical condition, provided that nothing shall prevent a
20 professional licensing or disciplinary board from sanctioning
21 a certifying health care professional for: (1) issuing a
22 written certification to a patient who is not under the
23 certifying health care professional's care for a debilitating
24 medical condition; or (2) failing to properly evaluate a
25 patient's medical condition or otherwise violating the
26 standard of care for evaluating medical conditions.

1 (f) No person may be subject to arrest, prosecution, or
2 denial of any right or privilege, including, but not limited
3 to, civil penalty or disciplinary action by an occupational or
4 professional licensing board, solely for: (1) selling cannabis
5 paraphernalia to a cardholder upon presentation of an unexpired
6 registry identification card in the recipient's name, if
7 employed and registered as a dispensing agent by a registered
8 dispensing organization; (2) being in the presence or vicinity
9 of the medical use of cannabis as allowed under this Act; or
10 (3) assisting a registered qualifying patient with the act of
11 administering cannabis.

12 (g) A registered cultivation center is not subject to
13 prosecution; search or inspection, except by the Department of
14 Agriculture, Department of Public Health, or State or local law
15 enforcement under Section 130; seizure; or penalty in any
16 manner, or denial of ~~be denied~~ any right or privilege,
17 including, but not limited to, civil penalty or disciplinary
18 action by a business licensing board or entity, for acting
19 under this Act and Department of Agriculture rules to: acquire,
20 possess, cultivate, manufacture, deliver, transfer, transport,
21 supply, or sell cannabis to registered dispensing
22 organizations.

23 (h) A registered cultivation center agent is not subject to
24 prosecution, search, or penalty in any manner, or denial of ~~be~~
25 ~~denied~~ any right or privilege, including, but not limited to,
26 civil penalty or disciplinary action by a business licensing

1 board or entity, for working or volunteering for a registered
2 cannabis cultivation center under this Act and Department of
3 Agriculture rules, including to perform the actions listed
4 under subsection (g).

5 (i) A registered dispensing organization is not subject to
6 prosecution; search or inspection, except by the Department of
7 Financial and Professional Regulation or State or local law
8 enforcement pursuant to Section 130; seizure; or penalty in any
9 manner, or denial of ~~be denied~~ any right or privilege,
10 including, but not limited to, civil penalty or disciplinary
11 action by a business licensing board or entity, for acting
12 under this Act and Department of Financial and Professional
13 Regulation rules to: acquire, possess, or dispense cannabis, or
14 related supplies, and educational materials to registered
15 qualifying patients or registered designated caregivers on
16 behalf of registered qualifying patients.

17 (j) A registered dispensing organization agent is not
18 subject to prosecution, search, or penalty in any manner, or
19 denial of ~~be denied~~ any right or privilege, including, but not
20 limited to, civil penalty or disciplinary action by a business
21 licensing board or entity, for working or volunteering for a
22 dispensing organization under this Act and Department of
23 Financial and Professional Regulation rules, including to
24 perform the actions listed under subsection (i).

25 (k) Any cannabis, cannabis paraphernalia, illegal
26 property, or interest in legal property that is possessed,

1 owned, or used in connection with the medical use of cannabis
2 as allowed under this Act, or acts incidental to that use, may
3 not be seized or forfeited. This Act does not prevent the
4 seizure or forfeiture of cannabis exceeding the amounts allowed
5 under this Act, nor shall it prevent seizure or forfeiture if
6 the basis for the action is unrelated to the cannabis that is
7 possessed, manufactured, transferred, or used under this Act.

8 (l) Mere possession of, or application for, a registry
9 identification card or registration certificate does not
10 constitute probable cause or reasonable suspicion, nor shall it
11 be used as the sole basis to support the search of the person,
12 property, or home of the person possessing or applying for the
13 registry identification card. The possession of, or
14 application for, a registry identification card does not
15 preclude the existence of probable cause if probable cause
16 exists on other grounds.

17 (m) Nothing in this Act shall preclude local or State law
18 enforcement agencies from searching a registered cultivation
19 center where there is probable cause to believe that the
20 criminal laws of this State have been violated and the search
21 is conducted in conformity with the Illinois Constitution, the
22 Constitution of the United States, and all State statutes.

23 (n) Nothing in this Act shall preclude local or State ~~state~~
24 law enforcement agencies from searching a registered
25 dispensing organization where there is probable cause to
26 believe that the criminal laws of this State have been violated

1 and the search is conducted in conformity with the Illinois
2 Constitution, the Constitution of the United States, and all
3 State statutes.

4 (o) No individual employed by the State of Illinois shall
5 be subject to criminal or civil penalties for taking any action
6 in accordance with the provisions of this Act, when the actions
7 are within the scope of his or her employment. Representation
8 and indemnification of State employees shall be provided to
9 State employees as set forth in Section 2 of the State Employee
10 Indemnification Act.

11 (p) No law enforcement or correctional agency, nor any
12 individual employed by a law enforcement or correctional
13 agency, shall be subject to criminal or civil liability, except
14 for willful and wanton misconduct, as a result of taking any
15 action within the scope of the official duties of the agency or
16 individual to prohibit or prevent the possession or use of
17 cannabis by a cardholder incarcerated at a correctional
18 facility, jail, or municipal lockup facility, on parole or
19 mandatory supervised release, or otherwise under the lawful
20 jurisdiction of the agency or individual.

21 (Source: P.A. 101-363, eff. 8-19-19; 101-370, eff. 1-1-20;
22 revised 9-24-19.)

23 (410 ILCS 130/35)

24 Sec. 35. Certifying health care professional requirements.

25 (a) A certifying health care professional who certifies a

1 debilitating medical condition for a qualifying patient shall
2 comply with all of the following requirements:

3 (1) The certifying health care professional shall be
4 currently licensed under the Medical Practice Act of 1987
5 to practice medicine in all its branches, the Nurse
6 Practice Act, or the Physician Assistant Practice Act of
7 1987, shall be in good standing, and must hold a controlled
8 substances license under Article III of the Illinois
9 Controlled Substances Act.

10 (2) A certifying health care professional certifying a
11 patient's condition shall comply with generally accepted
12 standards of medical practice, the provisions of the Act
13 under which he or she is licensed and all applicable rules.

14 (3) The physical examination required by this Act may
15 not be performed by remote means, including telemedicine.

16 (4) The certifying health care professional shall
17 maintain a record-keeping system for all patients for whom
18 the certifying health care professional has certified the
19 patient's medical condition. These records shall be
20 accessible to and subject to review by the Department of
21 Public Health and the Department of Financial and
22 Professional Regulation upon request.

23 (b) A certifying health care professional may not:

24 (1) accept, solicit, or offer any form of remuneration
25 from or to a qualifying patient, primary caregiver,
26 cultivation center, or dispensing organization, including

1 each principal officer, board member, agent, and employee,
2 to certify a patient, other than accepting payment from a
3 patient for the fee associated with the required
4 examination, except for the limited purpose of performing a
5 medical cannabis-related research study;

6 (1.5) accept, solicit, or offer any form of
7 remuneration from or to a medical cannabis cultivation
8 center or dispensary organization for the purposes of
9 referring a patient to a specific dispensary organization;

10 (1.10) engage in any activity that is prohibited under
11 Section 22.2 of the Medical Practice Act of 1987,
12 regardless of whether the certifying health care
13 professional is a physician, advanced practice registered
14 nurse, or physician assistant;

15 (2) offer a discount of any other item of value to a
16 qualifying patient who uses or agrees to use a particular
17 primary caregiver or dispensing organization to obtain
18 medical cannabis;

19 (3) conduct a personal physical examination of a
20 patient for purposes of diagnosing a debilitating medical
21 condition at a location where medical cannabis is sold or
22 distributed or at the address of a principal officer,
23 agent, or employee or a medical cannabis organization;

24 (4) hold a direct or indirect economic interest in a
25 cultivation center or dispensing organization if he or she
26 recommends the use of medical cannabis to qualified

1 patients or is in a partnership or other fee or
2 profit-sharing relationship with a certifying health care
3 professional who recommends medical cannabis, except for
4 the limited purpose of performing a medical
5 cannabis-related ~~cannabis-related~~ research study;

6 (5) serve on the board of directors or as an employee
7 of a cultivation center or dispensing organization;

8 (6) refer patients to a cultivation center, a
9 dispensing organization, or a registered designated
10 caregiver; or

11 (7) advertise in a cultivation center or a dispensing
12 organization.

13 (c) The Department of Public Health may with reasonable
14 cause refer a certifying health care professional, who has
15 certified a debilitating medical condition of a patient, to the
16 Illinois Department of Financial and Professional Regulation
17 for potential violations of this Section.

18 (d) Any violation of this Section or any other provision of
19 this Act or rules adopted under this Act is a violation of the
20 certifying health care professional's licensure act.

21 (e) A certifying health care professional who certifies a
22 debilitating medical condition for a qualifying patient may
23 notify the Department of Public Health in writing: (1) if the
24 certifying health care professional has reason to believe
25 either that the registered qualifying patient has ceased to
26 suffer from a debilitating medical condition; (2) that the bona

1 fide health care professional-patient relationship has
2 terminated; or (3) that continued use of medical cannabis would
3 result in contraindication with the patient's other
4 medication. The registered qualifying patient's registry
5 identification card shall be revoked by the Department of
6 Public Health after receiving the certifying health care
7 professional's notification.

8 (f) Nothing in this Act shall preclude a certifying health
9 care professional from referring a patient for health services,
10 except when the referral is limited to certification purposes
11 only, under this Act.

12 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
13 revised 12-9-19.)

14 (410 ILCS 130/36)

15 Sec. 36. Written certification.

16 (a) A certification confirming a patient's debilitating
17 medical condition shall be written on a form provided by the
18 Department of Public Health and shall include, at a minimum,
19 the following:

20 (1) the qualifying patient's name, date of birth, home
21 address, and primary telephone number;

22 (2) the certifying health care professional's name,
23 address, telephone number, email address, and medical,
24 advanced ~~advance~~ practice registered nurse, or physician
25 assistant license number, and the last 4 digits, only, of

1 his or her active controlled substances license under the
2 Illinois Controlled Substances Act and indication of
3 specialty or primary area of clinical practice, if any;

4 (3) the qualifying patient's debilitating medical
5 condition;

6 (4) a statement that the certifying health care
7 professional has confirmed a diagnosis of a debilitating
8 condition; is treating or managing treatment of the
9 patient's debilitating condition; has a bona fide health
10 care professional-patient relationship; has conducted an
11 in-person physical examination; and has conducted a review
12 of the patient's medical history, including reviewing
13 medical records from other treating health care
14 professionals, if any, from the previous 12 months;

15 (5) the certifying health care professional's
16 signature and date of certification; and

17 (6) a statement that a participant in possession of a
18 written certification indicating a debilitating medical
19 condition shall not be considered an unlawful user or
20 addicted to narcotics solely as a result of his or her
21 pending application to or participation in the
22 Compassionate Use of Medical Cannabis Program.

23 (b) A written certification does not constitute a
24 prescription for medical cannabis.

25 (c) Applications for qualifying patients under 18 years old
26 shall require a written certification from a certifying health

1 care professional and a reviewing certifying health care
2 professional.

3 (d) A certification confirming the patient's eligibility
4 to participate in the Opioid Alternative Pilot Program shall be
5 written on a form provided by the Department of Public Health
6 and shall include, at a minimum, the following:

7 (1) the participant's name, date of birth, home
8 address, and primary telephone number;

9 (2) the certifying health care professional's name,
10 address, telephone number, email address, and medical,
11 advanced ~~advance~~ practice registered nurse, or physician
12 assistant license number, and the last 4 digits, only, of
13 his or her active controlled substances license under the
14 Illinois Controlled Substances Act and indication of
15 specialty or primary area of clinical practice, if any;

16 (3) the certifying health care professional's
17 signature and date;

18 (4) the length of participation in the program, which
19 shall be limited to no more than 90 days;

20 (5) a statement identifying the patient has been
21 diagnosed with and is currently undergoing treatment for a
22 medical condition where an opioid has been or could be
23 prescribed; and

24 (6) a statement that a participant in possession of a
25 written certification indicating eligibility to
26 participate in the Opioid Alternative Pilot Program shall

1 not be considered an unlawful user or addicted to narcotics
2 solely as a result of his or her eligibility or
3 participation in the program.

4 (e) The Department of Public Health may provide a single
5 certification form for subsections (a) and (d) of this Section,
6 provided that all requirements of those subsections are
7 included on the form.

8 (f) The Department of Public Health shall not include the
9 word "cannabis" on any application forms or written
10 certification forms that it issues under this Section.

11 (g) A written certification does not constitute a
12 prescription.

13 (h) It is unlawful for any person to knowingly submit a
14 fraudulent certification to be a qualifying patient in the
15 Compassionate Use of Medical Cannabis Program or an Opioid
16 Alternative Pilot Program participant. A violation of this
17 subsection shall result in the person who has knowingly
18 submitted the fraudulent certification being permanently
19 banned from participating in the Compassionate Use of Medical
20 Cannabis Program or the Opioid Alternative Pilot Program.

21 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
22 revised 12-9-19.)

23 (410 ILCS 130/75)

24 Sec. 75. Notifications to Department of Public Health and
25 responses; civil penalty.

1 (a) The following notifications and Department of Public
2 Health responses are required:

3 (1) A registered qualifying patient shall notify the
4 Department of Public Health of any change in his or her
5 name or address, or if the registered qualifying patient
6 ceases to have his or her debilitating medical condition,
7 within 10 days of the change.

8 (2) A registered designated caregiver shall notify the
9 Department of Public Health of any change in his or her
10 name or address, or if the designated caregiver becomes
11 aware the registered qualifying patient passed away,
12 within 10 days of the change.

13 (3) Before a registered qualifying patient changes his
14 or her designated caregiver, the qualifying patient must
15 notify the Department of Public Health.

16 (4) If a cardholder loses his or her registry
17 identification card, he or she shall notify the Department
18 within 10 days of becoming aware the card has been lost.

19 (b) When a cardholder notifies the Department of Public
20 Health of items listed in subsection (a), but remains eligible
21 under this Act, the Department of Public Health shall issue the
22 cardholder a new registry identification card with a new random
23 alphanumeric identification number within 15 business days of
24 receiving the updated information and a fee as specified in
25 Department of Public Health rules. If the person notifying the
26 Department of Public Health is a registered qualifying patient,

1 the Department shall also issue his or her registered
2 designated caregiver, if any, a new registry identification
3 card within 15 business days of receiving the updated
4 information.

5 (c) If a registered qualifying patient ceases to be a
6 registered qualifying patient or changes his or her registered
7 designated caregiver, the Department of Public Health shall
8 promptly notify the designated caregiver. The registered
9 designated caregiver's protections under this Act as to that
10 qualifying patient shall expire 15 days after notification by
11 the Department.

12 (d) A cardholder who fails to make a notification to the
13 Department of Public Health that is required by this Section is
14 subject to a civil infraction, punishable by a penalty of no
15 more than \$150.

16 (e) A registered qualifying patient shall notify the
17 Department of Public Health of any change to his or her
18 designated registered dispensing organization. The Department
19 of Public Health shall provide for immediate changes of a
20 registered qualifying patient's designated registered
21 dispensing organization. Registered dispensing organizations
22 must comply with all requirements of this Act.

23 (f) If the registered qualifying patient's ~~certifying~~
24 certifying health care professional notifies the Department in
25 writing that either the registered qualifying patient has
26 ceased to suffer from a debilitating medical condition, that

1 the bona fide health care professional-patient relationship
2 has terminated, or that continued use of medical cannabis would
3 result in contraindication with the patient's other
4 medication, the card shall become null and void. However, the
5 registered qualifying patient shall have 15 days to destroy his
6 or her remaining medical cannabis and related paraphernalia.

7 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
8 revised 12-9-19.)

9 (410 ILCS 130/160)

10 Sec. 160. Annual reports. The Department of Public Health
11 shall submit to the General Assembly a report, by September 30
12 of each year, that does not disclose any identifying
13 information about registered qualifying patients, registered
14 caregivers, or certifying health care professionals, but does
15 contain, at a minimum, all of the following information based
16 on the fiscal year for reporting purposes:

17 (1) the number of applications and renewals filed for
18 registry identification cards or registrations;

19 (2) the number of qualifying patients and designated
20 caregivers served by each dispensary during the report
21 year;

22 (3) the nature of the debilitating medical conditions
23 of the qualifying patients;

24 (4) the number of registry identification cards or
25 registrations revoked for misconduct;

1 (5) the number of certifying health care professionals
2 providing written certifications for qualifying patients;

3 ~~and~~

4 (6) the number of registered medical cannabis
5 cultivation centers or registered dispensing
6 organizations; and

7 (7) the number of Opioid Alternative Pilot Program
8 participants.

9 (Source: P.A. 100-863, eff. 8-14-18; 100-1114, eff. 8-28-18;
10 101-363, eff. 8-9-19; revised 12-9-19.)

11 Section 550. The Infectious Disease Testing Act is amended
12 by changing Section 5 as follows:

13 (410 ILCS 312/5)

14 Sec. 5. Definitions. ~~Definitions.~~ As used in this Act:

15 "Health care provider" has the meaning ascribed to it under
16 HIPAA, as specified in 45 CFR 160.103.

17 "Health facility" means a hospital, nursing home, blood
18 bank, blood center, sperm bank, or other health care
19 institution, including any "health facility" as that term is
20 defined in the Illinois Finance Authority Act.

21 "HIPAA" means the Health Insurance Portability and
22 Accountability Act of 1996, Public Law 104-191, as amended by
23 the Health Information Technology for Economic and Clinical
24 Health Act of 2009, Public Law 111-05, and any subsequent

1 amendments thereto and any regulations promulgated thereunder.

2 "Law enforcement officer" means any person employed by the
3 State, a county, or a municipality as a policeman, peace
4 officer, auxiliary policeman, or correctional officer or in
5 some like position involving the enforcement of the law and
6 protection of the public interest at the risk of that person's
7 life.

8 (Source: P.A. 100-270, eff. 8-22-17; revised 7-23-19.)

9 Section 555. The Lupus Education and Awareness Act is
10 amended by changing Section 15 as follows:

11 (410 ILCS 528/15)

12 Sec. 15. Establishment of the Lupus Education and Awareness
13 Program.

14 (a) Subject to appropriation, there is created within the
15 Department of Public Health the Lupus Education and Awareness
16 Program (LEAP). The Program shall be composed of various
17 components, including, but not limited to, public awareness
18 activities and professional education programs. Subject to
19 appropriation, the Interagency and Partnership Advisory Panel
20 on Lupus is created to oversee LEAP and advise the Department
21 in implementing LEAP.

22 (b) The Department shall establish, promote, and maintain
23 the Lupus Education and Awareness Program with an emphasis on
24 minority populations and at-risk communities in order to raise

1 public awareness, educate consumers, and educate and train
2 health professionals, human service providers, and other
3 audiences.

4 The Department shall work with a national organization that
5 deals with lupus to implement programs to raise public
6 awareness about the symptoms and nature of lupus, personal risk
7 factors, and options for diagnosing and treating the disease,
8 with a particular focus on populations at elevated risk for
9 lupus, including women and communities of color.

10 The Program shall include initiatives to educate and train
11 physicians, health care professionals, and other service
12 providers on the most up-to-date and accurate scientific and
13 medical information regarding lupus diagnosis, treatment,
14 risks and benefits of medications, research advances, and
15 therapeutic decision making, including medical best practices
16 for detecting and treating the disease in special populations.
17 These activities shall include, but not be limited to, all of
18 the following:

19 (1) Distribution of medically-sound health information
20 produced by a national organization that deals with lupus
21 and government agencies, including, but not limited to, the
22 National Institutes of Health, the Centers for Disease
23 Control and Prevention, and the Social Security
24 Administration, through local health departments, schools,
25 agencies on aging, employer wellness programs, physicians
26 and other health professionals, hospitals, health plans

1 and health maintenance organizations, women's health
2 programs, and nonprofit and community-based organizations.

3 (2) Development of educational materials for health
4 professionals that identify the latest scientific and
5 medical information and clinical applications.

6 (3) Working to increase knowledge among physicians,
7 nurses, and health and human services professionals about
8 the importance of lupus diagnosis, treatment, and
9 rehabilitation.

10 (4) Support of continuing medical education programs
11 presented by the leading State academic institutions by
12 providing them with the most up-to-date information.

13 (5) Providing statewide workshops and seminars for
14 in-depth professional development regarding the care and
15 management of patients with lupus in order to bring the
16 latest information on clinical advances to care providers.

17 (6) Development and maintenance of a directory of
18 lupus-related services and lupus health care providers
19 with specialization in services to diagnose and treat
20 lupus. The Department shall disseminate this directory to
21 all stakeholders, including, but not limited to,
22 individuals with lupus, families, and representatives from
23 voluntary organizations, health care professionals, health
24 plans, and State and local health agencies.

25 (c) The Director shall do all of the following:

26 (1) Designate a person in the Department to oversee the

1 Program.

2 (2) Identify the appropriate entities to carry out the
3 Program, including, but not limited to, the following:
4 local health departments, schools, agencies on aging,
5 employer wellness programs, physicians and other health
6 professionals, hospitals, health plans and health
7 maintenance organizations, women's health organizations,
8 and nonprofit and community-based organizations.

9 (3) Base the Program on the most current scientific
10 information and findings.

11 (4) Work with governmental entities, community and
12 business leaders, community organizations, health care and
13 human service providers, and national, State, and local
14 organizations to coordinate efforts to maximize State
15 resources in the areas of lupus education and awareness.

16 (5) Use public health institutions for dissemination
17 of medically sound health materials.

18 (d) The Department shall establish and coordinate the
19 Interagency and Partnership Advisory Panel on Lupus consisting
20 of 15 members, one of whom shall be appointed by the Director
21 as the chair. The Panel shall be composed of:

22 (1) at least 3 individuals with lupus;

23 (2) three representatives from relevant State agencies
24 including the Department;

25 (3) three scientists with experience in lupus who
26 participate in various fields of scientific endeavor,

1 including, but not limited to, biomedical research,
2 social, translational, behavioral, and epidemiological
3 research, and public health;

4 (4) two medical clinicians with experience in treating
5 people with lupus; and

6 (5) four representatives from relevant nonprofit
7 women's and health organizations, including one
8 representative from a national organization that deals
9 with the treatment of lupus.

10 Individuals and organizations may submit nominations to
11 the Director to be named to the Panel. Such nominations may
12 include the following:

13 (i) representatives from appropriate State departments
14 and agencies, such as entities with responsibility for
15 health disparities, public health programs, education,
16 public welfare, and women's health programs;

17 (ii) health and medical professionals with expertise
18 in lupus; and

19 (iii) individuals with lupus, and recognized experts
20 in the provision of health services to women, lupus
21 research, or health disparities.

22 All members of the panel shall serve terms of 2 years. A
23 member may be appointed to serve not more than 2 terms, whether
24 or not consecutive. A majority of the members of the panel
25 shall constitute a quorum. A majority vote of a quorum shall be
26 required for any official action of the Panel. The Panel shall

1 meet at the call of the chair, but not less than 2 times per
2 year. All members shall serve without compensation, but shall
3 be entitled to actual, necessary expenses incurred in the
4 performance of their business as members of the Panel in
5 accordance with the reimbursement policies ~~polices~~ for the
6 State.

7 (Source: P.A. 96-1108, eff. 1-1-11; revised 7-23-19.)

8 Section 560. The Environmental Protection Act is amended by
9 setting forth, renumbering, and changing multiple versions of
10 Sections 9.16 and 22.59 and by changing Sections 21, 21.7,
11 22.23d, 39, and 40 as follows:

12 (415 ILCS 5/9.16)

13 Sec. 9.16. Control of ethylene oxide sterilization
14 sources.

15 (a) As used in this Section:

16 "Ethylene oxide sterilization operations" means the
17 process of using ethylene oxide at an ethylene oxide
18 sterilization source to make one or more items free from
19 microorganisms, pathogens, or both microorganisms and
20 pathogens.

21 "Ethylene oxide sterilization source" means any stationary
22 source with ethylene oxide usage that would subject it to the
23 emissions standards in 40 CFR 63.362. "Ethylene oxide
24 sterilization source" does not include beehive fumigators,

1 research or laboratory facilities, hospitals, doctors'
2 offices, clinics, or other stationary sources for which the
3 primary purpose is to provide medical services to humans or
4 animals.

5 "Exhaust point" means any point through which ethylene
6 oxide-laden air exits an ethylene oxide sterilization source.

7 "Stationary source" has the meaning set forth in subsection
8 1 of Section 39.5.

9 (b) Beginning 180 days after June 21, 2019 (the effective
10 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
11 ~~General Assembly~~, no person shall conduct ethylene oxide
12 sterilization operations, unless the ethylene oxide
13 sterilization source captures, and demonstrates that it
14 captures, 100% of all ethylene oxide emissions and reduces
15 ethylene oxide emissions to the atmosphere from each exhaust
16 point at the ethylene oxide sterilization source by at least
17 99.9% or to 0.2 parts per million.

18 (1) Within 180 days after June 21, 2019 (the effective
19 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
20 ~~General Assembly~~ for any existing ethylene oxide
21 sterilization source, or prior to any ethylene oxide
22 sterilization operation for any source that first becomes
23 subject to regulation after June 21, 2019 (the effective
24 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
25 ~~General Assembly~~ as an ethylene oxide sterilization source
26 under this Section, the owner or operator of the ethylene

1 oxide sterilization source shall conduct an initial
2 emissions test in accordance with all of the requirements
3 set forth in this paragraph (1) to verify that ethylene
4 oxide emissions to the atmosphere from each exhaust point
5 at the ethylene oxide sterilization source have been
6 reduced by at least 99.9% or to 0.2 parts per million:

7 (A) At least 30 days prior to the scheduled
8 emissions test date, the owner or operator of the
9 ethylene oxide sterilization source shall submit a
10 notification of the scheduled emissions test date and a
11 copy of the proposed emissions test protocol to the
12 Agency for review and written approval. Emissions test
13 protocols submitted to the Agency shall address the
14 manner in which testing will be conducted, including,
15 but not limited to:

16 (i) the name of the independent third party
17 company that will be performing sampling and
18 analysis and the company's experience with similar
19 emissions tests;

20 (ii) the methodologies to be used;

21 (iii) the conditions under which emissions
22 tests will be performed, including a discussion of
23 why these conditions will be representative of
24 maximum emissions from each of the 3 cycles of
25 operation (chamber evacuation, back vent, and
26 aeration) and the means by which the operating

1 parameters for the emission unit and any control
2 equipment will be determined;

3 (iv) the specific determinations of emissions
4 and operations that are intended to be made,
5 including sampling and monitoring locations; and

6 (v) any changes to the test method or methods
7 proposed to accommodate the specific circumstances
8 of testing, with justification.

9 (B) The owner or operator of the ethylene oxide
10 sterilization source shall perform emissions testing
11 in accordance with an Agency-approved test protocol
12 and at representative conditions to verify that
13 ethylene oxide emissions to the atmosphere from each
14 exhaust point at the ethylene oxide sterilization
15 source have been reduced by at least 99.9% or to 0.2
16 parts per million. The duration of the test must
17 incorporate all 3 cycles of operation for
18 determination of the emission reduction efficiency.

19 (C) Upon Agency approval of the test protocol, any
20 source that first becomes subject to regulation after
21 June 21, 2019 (the effective date of Public Act 101-22)
22 ~~this amendatory Act of the 101st General Assembly~~ as an
23 ethylene oxide sterilization source under this Section
24 may undertake ethylene oxide sterilization operations
25 in accordance with the Agency-approved test protocol
26 for the sole purpose of demonstrating compliance with

1 this subsection (b).

2 (D) The owner or operator of the ethylene oxide
3 sterilization source shall submit to the Agency the
4 results of any and all emissions testing conducted
5 after June 21, 2019 (the effective date of Public Act
6 101-22) ~~this amendatory Act of the 101st General~~
7 ~~Assembly~~, until the Agency accepts testing results
8 under subparagraph (E) of paragraph (1) of this
9 subsection (b), for any existing source or prior to any
10 ethylene oxide sterilization operation for any source
11 that first becomes subject to regulation after June 21,
12 2019 (the effective date of Public Act 101-22) ~~this~~
13 ~~amendatory Act of the 101st General Assembly~~ as an
14 ethylene oxide sterilization source under this
15 Section. The results documentation shall include at a
16 minimum:

17 (i) a summary of results;

18 (ii) a description of test method or methods,
19 including description of sample points, sampling
20 train, analysis equipment, and test schedule;

21 (iii) a detailed description of test
22 conditions, including process information and
23 control equipment information; and

24 (iv) data and calculations, including copies
25 of all raw data sheets, opacity observation
26 records and records of laboratory analyses, sample

1 calculations, and equipment calibration.

2 (E) Within 30 days of receipt, the Agency shall
3 accept, accept with conditions, or decline to accept a
4 stack testing protocol and the testing results
5 submitted to demonstrate compliance with paragraph (1)
6 of this subsection (b). If the Agency accepts with
7 conditions or declines to accept the results
8 submitted, the owner or operator of the ethylene oxide
9 sterilization source shall submit revised results of
10 the emissions testing or conduct emissions testing
11 again. If the owner or operator revises the results,
12 the revised results shall be submitted within 15 days
13 after the owner or operator of the ethylene oxide
14 sterilization source receives written notice of the
15 Agency's conditional acceptance or rejection of the
16 emissions testing results. If the owner or operator
17 conducts emissions testing again, such new emissions
18 testing shall conform to the requirements of this
19 subsection (b).

20 (2) The owner or operator of the ethylene oxide
21 sterilization source shall conduct emissions testing on
22 all exhaust points at the ethylene oxide sterilization
23 source at least once each calendar year to demonstrate
24 compliance with the requirements of this Section and any
25 applicable requirements concerning ethylene oxide that are
26 set forth in either United States Environmental Protection

1 Agency rules or Board rules. Annual emissions tests
2 required under this paragraph (2) shall take place at least
3 6 months apart. An initial emissions test conducted under
4 paragraph (1) of this subsection (b) satisfies the testing
5 requirement of this paragraph (2) for the calendar year in
6 which the initial emissions test is conducted.

7 (3) At least 30 days before conducting the annual
8 emissions test required under paragraph (2) of this
9 subsection (b), the owner or operator shall submit a
10 notification of the scheduled emissions test date and a
11 copy of the proposed emissions test protocol to the Agency
12 for review and written approval. Emissions test protocols
13 submitted to the Agency under this paragraph (3) must
14 address each item listed in subparagraph (A) of paragraph
15 (1) of this subsection (b). Emissions testing shall be
16 performed in accordance with an Agency-approved test
17 protocol and at representative conditions. In addition, as
18 soon as practicable, but no later than 30 days after the
19 emissions test date, the owner or operator shall submit to
20 the Agency the results of the emissions testing required
21 under paragraph (2) of this subsection (b). Such results
22 must include each item listed in subparagraph (D) of
23 paragraph (1) of this subsection (b).

24 (4) If the owner or operator of an ethylene oxide
25 sterilization source conducts any emissions testing in
26 addition to tests required by Public Act 101-22 ~~this~~

1 ~~amendatory Act of the 101st General Assembly~~, the owner or
2 operator shall submit to the Agency the results of such
3 emissions testing within 30 days after the emissions test
4 date.

5 (5) The Agency shall accept, accept with conditions, or
6 decline to accept testing results submitted to demonstrate
7 compliance with paragraph (2) of this subsection (b). If
8 the Agency accepts with conditions or declines to accept
9 the results submitted, the owner or operator of the
10 ethylene oxide sterilization source shall submit revised
11 results of the emissions testing or conduct emissions
12 testing again. If the owner or operator revises the
13 results, the revised results shall be submitted within 15
14 days after the owner or operator of the ethylene oxide
15 sterilization source receives written notice of the
16 Agency's conditional acceptance or rejection of the
17 emissions testing results. If the owner or operator
18 conducts emissions testing again, such new emissions
19 testing shall conform to the requirements of this
20 subsection (b).

21 (c) If any emissions test conducted more than 180 days
22 after June 21, 2019 (the effective date of Public Act 101-22)
23 ~~this amendatory Act of the 101st General Assembly~~ fails to
24 demonstrate that ethylene oxide emissions to the atmosphere
25 from each exhaust point at the ethylene oxide sterilization
26 source have been reduced by at least 99.9% or to 0.2 parts per

1 million, the owner or operator of the ethylene oxide
2 sterilization source shall immediately cease ethylene oxide
3 sterilization operations and notify the Agency within 24 hours
4 of becoming aware of the failed emissions test. Within 60 days
5 after the date of the test, the owner or operator of the
6 ethylene oxide sterilization source shall:

7 (1) complete an analysis to determine the root cause of
8 the failed emissions test;

9 (2) take any actions necessary to address that root
10 cause;

11 (3) submit a report to the Agency describing the
12 findings of the root cause analysis, any work undertaken to
13 address findings of the root cause analysis, and
14 identifying any feasible best management practices to
15 enhance capture and further reduce ethylene oxide levels
16 within the ethylene oxide sterilization source, including
17 a schedule for implementing such practices; and

18 (4) upon approval by the Agency of the report required
19 by paragraph (3) of this subsection, restart ethylene oxide
20 sterilization operations only to the extent necessary to
21 conduct additional emissions test or tests. The ethylene
22 oxide sterilization source shall conduct such emissions
23 test or tests under the same requirements as the annual
24 test described in paragraphs (2) and (3) of subsection (b).
25 The ethylene oxide sterilization source may restart
26 operations once an emissions test successfully

1 demonstrates that ethylene oxide emissions to the
2 atmosphere from each exhaust point at the ethylene oxide
3 sterilization source have been reduced by at least 99.9% or
4 to 0.2 parts per million, the source has submitted the
5 results of all emissions testing conducted under this
6 subsection to the Agency, and the Agency has approved the
7 results demonstrating compliance.

8 (d) Beginning 180 days after June 21, 2019 (the effective
9 date of Public Act 101-22) this amendatory Act of the 101st
10 General Assembly for any existing source or prior to any
11 ethylene oxide sterilization operation for any source that
12 first becomes subject to regulation after June 21, 2019 (the
13 effective date of Public Act 101-22) ~~this amendatory Act of the~~
14 ~~101st General Assembly~~ as an ethylene oxide sterilization
15 source under this Section, no person shall conduct ethylene
16 oxide sterilization operations unless the owner or operator of
17 the ethylene oxide sterilization source submits for review and
18 approval by the Agency a plan describing how the owner or
19 operator will continuously collect emissions information at
20 the ethylene oxide sterilization source. This plan must also
21 specify locations at the ethylene oxide sterilization source
22 from which emissions will be collected and identify equipment
23 used for collection and analysis, including the individual
24 system components.

25 (1) The owner or operator of the ethylene oxide
26 sterilization source must provide a notice of acceptance of

1 any conditions added by the Agency to the plan, or correct
2 any deficiencies identified by the Agency in the plan,
3 within 3 business days after receiving the Agency's
4 conditional acceptance or denial of the plan.

5 (2) Upon the Agency's approval of the plan, the owner
6 or operator of the ethylene oxide sterilization source
7 shall implement the plan in accordance with its approved
8 terms.

9 (e) Beginning 180 days after June 21, 2019 (the effective
10 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
11 ~~General Assembly~~ for any existing source or prior to any
12 ethylene oxide sterilization operation for any source that
13 first becomes subject to regulation after June 21, 2019 (the
14 effective date of Public Act 101-22) ~~this amendatory Act of the~~
15 ~~101st General Assembly~~ as an ethylene oxide sterilization
16 source under this Section, no person shall conduct ethylene
17 oxide sterilization operations unless the owner or operator of
18 the ethylene oxide sterilization source submits for review and
19 approval by the Agency an Ambient Air Monitoring Plan.

20 (1) The Ambient Air Monitoring Plan shall include, at a
21 minimum, the following:

22 (A) Detailed plans to collect and analyze air
23 samples for ethylene oxide on at least a quarterly
24 basis near the property boundaries of the ethylene
25 oxide sterilization source and at community locations
26 with the highest modeled impact pursuant to the

1 modeling conducted under subsection (f). Each
2 quarterly sampling under this subsection shall be
3 conducted over a multiple-day sampling period.

4 (B) A schedule for implementation.

5 (C) The name of the independent third party company
6 that will be performing sampling and analysis and the
7 company's experience with similar testing.

8 (2) The owner or operator of the ethylene oxide
9 sterilization source must provide a notice of acceptance of
10 any conditions added by the Agency to the Ambient Air
11 Monitoring Plan, or correct any deficiencies identified by
12 the Agency in the Ambient Air Monitoring Plan, within 3
13 business days after receiving the Agency's conditional
14 acceptance or denial of the plan.

15 (3) Upon the Agency's approval of the plan, the owner
16 or operator of the ethylene oxide sterilization source
17 shall implement the Ambient Air Monitoring Plan in
18 accordance with its approved terms.

19 (f) Beginning 180 days after June 21, 2019 (the effective
20 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
21 ~~General Assembly~~ for any existing source or prior to any
22 ethylene oxide sterilization operation for any source that
23 first becomes subject to regulation after June 21, 2019 (the
24 effective date of Public Act 101-22) ~~this amendatory Act of the~~
25 ~~101st General Assembly~~ as an ethylene oxide sterilization
26 source under this Section, no person shall conduct ethylene

1 oxide sterilization operations unless the owner or operator of
2 the ethylene oxide sterilization source has performed
3 dispersion modeling and the Agency approves such modeling.

4 (1) Dispersion modeling must:

5 (A) be conducted using accepted United States
6 Environmental Protection Agency methodologies,
7 including 40 CFR Part 51, Appendix W, except that no
8 background ambient levels of ethylene oxide shall be
9 used;

10 (B) use emissions and stack parameter data from the
11 emissions test conducted in accordance with paragraph
12 (1) of subsection (b), and use 5 years of hourly
13 meteorological data that is representative of the
14 source's location; and

15 (C) use a receptor grid that extends to at least
16 one kilometer around the source and ensure the modeling
17 domain includes the area of maximum impact, with
18 receptor spacing no greater than every 50 meters
19 starting from the building walls of the source
20 extending out to a distance of at least one-half
21 kilometer, then every 100 meters extending out to a
22 distance of at least one kilometer.

23 (2) The owner or operator of the ethylene oxide
24 sterilization source shall submit revised results of all
25 modeling if the Agency accepts with conditions or declines
26 to accept the results submitted.

1 (g) A facility permitted to emit ethylene oxide that has
2 been subject to a seal order under Section 34 is prohibited
3 from using ethylene oxide for sterilization or fumigation
4 purposes, unless (i) the facility can provide a certification
5 to the Agency by the supplier of a product to be sterilized or
6 fumigated that ethylene oxide sterilization or fumigation is
7 the only available method to completely sterilize or fumigate
8 the product and (ii) the Agency has certified that the
9 facility's emission control system uses technology that
10 produces the greatest reduction in ethylene oxide emissions
11 currently available. The certification shall be made by a
12 company representative with knowledge of the sterilization
13 requirements of the product. The certification requirements of
14 this Section shall apply to any group of products packaged
15 together and sterilized as a single product if sterilization or
16 fumigation is the only available method to completely sterilize
17 or fumigate more than half of the individual products contained
18 in the package.

19 A facility is not subject to the requirements of this
20 subsection if the supporting findings of the seal order under
21 Section 34 are found to be without merit by a court of
22 competent jurisdiction.

23 (h) If an entity, or any parent or subsidiary of an entity,
24 that owns or operates a facility permitted by the Agency to
25 emit ethylene oxide acquires by purchase, license, or any other
26 method of acquisition any intellectual property right in a

1 sterilization technology that does not involve the use of
2 ethylene oxide, or by purchase, merger, or any other method of
3 acquisition of any entity that holds an intellectual property
4 right in a sterilization technology that does not involve the
5 use of ethylene oxide, that entity, parent, or subsidiary shall
6 notify the Agency of the acquisition within 30 days of
7 acquiring it. If that entity, parent, or subsidiary has not
8 used the sterilization technology within 3 years of its
9 acquisition, the entity shall notify the Agency within 30 days
10 of the 3-year period elapsing.

11 An entity, or any parent or subsidiary of an entity, that
12 owns or operates a facility permitted by the Agency to emit
13 ethylene oxide that has any intellectual property right in any
14 sterilization technology that does not involve the use of
15 ethylene oxide shall notify the Agency of any offers that it
16 makes to license or otherwise allow the technology to be used
17 by third parties within 30 days of making the offer.

18 An entity, or any parent or subsidiary of an entity, that
19 owns or operates a facility permitted by the Agency to emit
20 ethylene oxide shall provide the Agency with a list of all U.S.
21 patent registrations for sterilization technology that the
22 entity, parent, or subsidiary has any property right in. The
23 list shall include the following:

24 (1) The patent number assigned by the United States
25 Patent and Trademark Office for each patent.

26 (2) The date each patent was filed.

1 (3) The names and addresses of all owners or assignees
2 of each patent.

3 (4) The names and addresses of all inventors of each
4 patent.

5 (i) If a CAAPP permit applicant applies to use ethylene
6 oxide as a sterilant or fumigant at a facility not in existence
7 prior to January 1, 2020, the Agency shall issue a CAAPP permit
8 for emission of ethylene oxide only if:

9 (1) the nearest school or park is at least 10 miles
10 from the permit applicant in counties with populations
11 greater than 50,000;

12 (2) the nearest school or park is at least 15 miles
13 from the permit applicant in counties with populations less
14 than or equal to 50,000; and

15 (3) within 7 days after the application for a CAAPP
16 permit, the permit applicant has published its permit
17 request on its website, published notice in a local
18 newspaper of general circulation, and provided notice to:

19 (A) the State Representative for the
20 representative district in which the facility is
21 located;

22 (B) the State Senator for the legislative district
23 in which the facility is located;

24 (C) the members of the county board for the county
25 in which the facility is located; and

26 (D) the local municipal board members and

1 executives.

2 (j) The owner or operator of an ethylene oxide
3 sterilization source must apply for and obtain a construction
4 permit from the Agency for any modifications made to the source
5 to comply with the requirements of Public Act 101-22 ~~this~~
6 ~~amendatory Act of the 101st General Assembly~~, including, but
7 not limited to, installation of a permanent total enclosure,
8 modification of airflow to create negative pressure within the
9 source, and addition of one or more control devices.
10 Additionally, the owner or operator of the ethylene oxide
11 sterilization source must apply for and obtain from the Agency
12 a modification of the source's operating permit to incorporate
13 such modifications made to the source. Both the construction
14 permit and operating permit must include a limit on ethylene
15 oxide usage at the source.

16 (k) Nothing in this Section shall be interpreted to excuse
17 the ethylene oxide sterilization source from complying with any
18 applicable local requirements.

19 (l) The owner or operator of an ethylene oxide
20 sterilization source must notify the Agency within 5 days after
21 discovering any deviation from any of the requirements in this
22 Section or deviations from any applicable requirements
23 concerning ethylene oxide that are set forth in this Act,
24 United States Environmental Protection Agency rules, or Board
25 rules. As soon as practicable, but no later than 5 business
26 days, after the Agency receives such notification, the Agency

1 must post a notice on its website and notify the members of the
2 General Assembly from the Legislative and Representative
3 Districts in which the source in question is located, the
4 county board members of the county in which the source in
5 question is located, the corporate authorities of the
6 municipality in which the source in question is located, and
7 the Illinois Department of Public Health.

8 (m) The Agency must conduct at least one unannounced
9 inspection of all ethylene oxide sterilization sources subject
10 to this Section per year. Nothing in this Section shall limit
11 the Agency's authority under other provisions of this Act to
12 conduct inspections of ethylene oxide sterilization sources.

13 (n) The Agency shall conduct air testing to determine the
14 ambient levels of ethylene oxide throughout the State. The
15 Agency shall, within 180 days after June 21, 2019 (the
16 effective date of Public Act 101-22) ~~this amendatory Act of the~~
17 ~~101st General Assembly~~, submit rules for ambient air testing of
18 ethylene oxide to the Board.

19 (Source: P.A. 101-22, eff. 6-21-19; revised 8-9-19.)

20 (415 ILCS 5/9.17)

21 Sec. 9.17 ~~9.16~~. Nonnegligible ethylene oxide emissions
22 sources.

23 (a) In this Section, "nonnegligible ethylene oxide
24 emissions source" means an ethylene oxide emissions source
25 permitted by the Agency that currently emits more than 150

1 pounds of ethylene oxide as reported on the source's 2017 Toxic
2 Release Inventory and is located in a county with a population
3 of at least 700,000 based on 2010 census data. "Nonnegligible
4 ethylene oxide emissions source" does not include facilities
5 that are ethylene oxide sterilization sources or hospitals that
6 are licensed under the Hospital Licensing Act or operated under
7 the University of Illinois Hospital Act.

8 (b) Beginning 180 days after June 21, 2019 (the effective
9 date of Public Act 101-23) ~~this amendatory Act of the 101st~~
10 ~~General Assembly~~, no nonnegligible ethylene oxide emissions
11 source shall conduct activities that cause ethylene oxide
12 emissions unless the owner or operator of the nonnegligible
13 ethylene oxide emissions source submits for review and approval
14 of the Agency a plan describing how the owner or operator will
15 continuously collect emissions information. The plan must
16 specify locations at the nonnegligible ethylene oxide
17 emissions source from which emissions will be collected and
18 identify equipment used for collection and analysis, including
19 the individual system components.

20 (1) The owner or operator of the nonnegligible ethylene
21 oxide emissions source must provide a notice of acceptance
22 of any conditions added by the Agency to the plan or
23 correct any deficiencies identified by the Agency in the
24 plan within 3 business days after receiving the Agency's
25 conditional acceptance or denial of the plan.

26 (2) Upon the Agency's approval of the plan the owner or

1 operator of the nonnegligible ethylene oxide emissions
2 source shall implement the plan in accordance with its
3 approved terms.

4 (c) Beginning 180 days after June 21, 2019 (the effective
5 date of Public Act 101-23) ~~this amendatory Act of the 101st~~
6 ~~General Assembly~~, no nonnegligible ethylene oxide emissions
7 source shall conduct activities that cause ethylene oxide
8 emissions unless the owner or operator of the nonnegligible
9 ethylene oxide emissions source has performed dispersion
10 modeling and the Agency approves the dispersion modeling.

11 (1) Dispersion modeling must:

12 (A) be conducted using accepted United States
13 Environmental Protection Agency methodologies,
14 including Appendix W to 40 CFR 51, except that no
15 background ambient levels of ethylene oxide shall be
16 used;

17 (B) use emissions and stack parameter data from any
18 emissions test conducted and 5 years of hourly
19 meteorological data that is representative of the
20 nonnegligible ethylene oxide emissions source's
21 location; and

22 (C) use a receptor grid that extends to at least
23 one kilometer around the nonnegligible ethylene oxide
24 emissions source and ensures the modeling domain
25 includes the area of maximum impact, with receptor
26 spacing no greater than every 50 meters starting from

1 the building walls of the nonnegligible ethylene oxide
2 emissions source extending out to a distance of at
3 least 1/2 kilometer, then every 100 meters extending
4 out to a distance of at least one kilometer.

5 (2) The owner or operator of the nonnegligible ethylene
6 oxide emissions source shall submit revised results of all
7 modeling if the Agency accepts with conditions or declines
8 to accept the results submitted.

9 (d) Beginning 180 days after June 21, 2019 (the effective
10 date of Public Act 101-23) ~~this amendatory Act of the 101st~~
11 ~~General Assembly~~, no nonnegligible ethylene oxide emissions
12 source shall conduct activities that cause ethylene oxide
13 emissions unless the owner or operator of the nonnegligible
14 ethylene oxide emissions source obtains a permit consistent
15 with the requirements in this Section from the Agency to
16 conduct activities that may result in the emission of ethylene
17 oxide.

18 (e) The Agency in issuing the applicable permits to a
19 nonnegligible ethylene oxide emissions source shall:

20 (1) impose a site-specific annual cap on ethylene oxide
21 emissions set to protect the public health; and

22 (2) include permit conditions granting the Agency the
23 authority to reopen the permit if the Agency determines
24 that the emissions of ethylene oxide from the permitted
25 nonnegligible ethylene oxide emissions source pose a risk
26 to the public health as defined by the Agency.

1 (Source: P.A. 101-23, eff. 6-21-19; revised 8-9-19.)

2 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

3 Sec. 21. Prohibited acts. No person shall:

4 (a) Cause or allow the open dumping of any waste.

5 (b) Abandon, dump, or deposit any waste upon the public
6 highways or other public property, except in a sanitary
7 landfill approved by the Agency pursuant to regulations adopted
8 by the Board.

9 (c) Abandon any vehicle in violation of the "Abandoned
10 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
11 the 76th General Assembly.

12 (d) Conduct any waste-storage, waste-treatment, or
13 waste-disposal operation:

14 (1) without a permit granted by the Agency or in
15 violation of any conditions imposed by such permit,
16 including periodic reports and full access to adequate
17 records and the inspection of facilities, as may be
18 necessary to assure compliance with this Act and with
19 regulations and standards adopted thereunder; provided,
20 however, that, except for municipal solid waste landfill
21 units that receive waste on or after October 9, 1993, and
22 CCR surface impoundments, no permit shall be required for
23 (i) any person conducting a waste-storage,
24 waste-treatment, or waste-disposal operation for wastes
25 generated by such person's own activities which are stored,

1 treated, or disposed within the site where such wastes are
2 generated, or (ii) a facility located in a county with a
3 population over 700,000 as of January 1, 2000, operated and
4 located in accordance with Section 22.38 of this Act, and
5 used exclusively for the transfer, storage, or treatment of
6 general construction or demolition debris, provided that
7 the facility was receiving construction or demolition
8 debris on August 24, 2009 (the effective date of Public Act
9 96-611) ~~this amendatory Act of the 96th General Assembly;~~

10 (2) in violation of any regulations or standards
11 adopted by the Board under this Act; or

12 (3) which receives waste after August 31, 1988, does
13 not have a permit issued by the Agency, and is (i) a
14 landfill used exclusively for the disposal of waste
15 generated at the site, (ii) a surface impoundment receiving
16 special waste not listed in an NPDES permit, (iii) a waste
17 pile in which the total volume of waste is greater than 100
18 cubic yards or the waste is stored for over one year, or
19 (iv) a land treatment facility receiving special waste
20 generated at the site; without giving notice of the
21 operation to the Agency by January 1, 1989, or 30 days
22 after the date on which the operation commences, whichever
23 is later, and every 3 years thereafter. The form for such
24 notification shall be specified by the Agency, and shall be
25 limited to information regarding: the name and address of
26 the location of the operation; the type of operation; the

1 types and amounts of waste stored, treated or disposed of
2 on an annual basis; the remaining capacity of the
3 operation; and the remaining expected life of the
4 operation.

5 Item (3) of this subsection (d) shall not apply to any
6 person engaged in agricultural activity who is disposing of a
7 substance that constitutes solid waste, if the substance was
8 acquired for use by that person on his own property, and the
9 substance is disposed of on his own property in accordance with
10 regulations or standards adopted by the Board.

11 This subsection (d) shall not apply to hazardous waste.

12 (e) Dispose, treat, store or abandon any waste, or
13 transport any waste into this State for disposal, treatment,
14 storage or abandonment, except at a site or facility which
15 meets the requirements of this Act and of regulations and
16 standards thereunder.

17 (f) Conduct any hazardous waste-storage, hazardous
18 waste-treatment or hazardous waste-disposal operation:

19 (1) without a RCRA permit for the site issued by the
20 Agency under subsection (d) of Section 39 of this Act, or
21 in violation of any condition imposed by such permit,
22 including periodic reports and full access to adequate
23 records and the inspection of facilities, as may be
24 necessary to assure compliance with this Act and with
25 regulations and standards adopted thereunder; or

26 (2) in violation of any regulations or standards

1 adopted by the Board under this Act; or

2 (3) in violation of any RCRA permit filing requirement
3 established under standards adopted by the Board under this
4 Act; or

5 (4) in violation of any order adopted by the Board
6 under this Act.

7 Notwithstanding the above, no RCRA permit shall be required
8 under this subsection or subsection (d) of Section 39 of this
9 Act for any person engaged in agricultural activity who is
10 disposing of a substance which has been identified as a
11 hazardous waste, and which has been designated by Board
12 regulations as being subject to this exception, if the
13 substance was acquired for use by that person on his own
14 property and the substance is disposed of on his own property
15 in accordance with regulations or standards adopted by the
16 Board.

17 (g) Conduct any hazardous waste-transportation operation:

18 (1) without registering with and obtaining a special
19 waste hauling permit from the Agency in accordance with the
20 regulations adopted by the Board under this Act; or

21 (2) in violation of any regulations or standards
22 adopted by the Board under this Act.

23 (h) Conduct any hazardous waste-recycling or hazardous
24 waste-reclamation or hazardous waste-reuse operation in
25 violation of any regulations, standards or permit requirements
26 adopted by the Board under this Act.

1 (i) Conduct any process or engage in any act which produces
2 hazardous waste in violation of any regulations or standards
3 adopted by the Board under subsections (a) and (c) of Section
4 22.4 of this Act.

5 (j) Conduct any special waste-transportation ~~waste~~
6 ~~transportation~~ operation in violation of any regulations,
7 standards or permit requirements adopted by the Board under
8 this Act. However, sludge from a water or sewage treatment
9 plant owned and operated by a unit of local government which
10 (1) is subject to a sludge management plan approved by the
11 Agency or a permit granted by the Agency, and (2) has been
12 tested and determined not to be a hazardous waste as required
13 by applicable State and federal laws and regulations, may be
14 transported in this State without a special waste hauling
15 permit, and the preparation and carrying of a manifest shall
16 not be required for such sludge under the rules of the
17 Pollution Control Board. The unit of local government which
18 operates the treatment plant producing such sludge shall file
19 an annual report with the Agency identifying the volume of such
20 sludge transported during the reporting period, the hauler of
21 the sludge, and the disposal sites to which it was transported.
22 This subsection (j) shall not apply to hazardous waste.

23 (k) Fail or refuse to pay any fee imposed under this Act.

24 (l) Locate a hazardous waste disposal site above an active
25 or inactive shaft or tunneled mine or within 2 miles of an
26 active fault in the earth's crust. In counties of population

1 less than 225,000 no hazardous waste disposal site shall be
2 located (1) within 1 1/2 miles of the corporate limits as
3 defined on June 30, 1978, of any municipality without the
4 approval of the governing body of the municipality in an
5 official action; or (2) within 1000 feet of an existing private
6 well or the existing source of a public water supply measured
7 from the boundary of the actual active permitted site and
8 excluding existing private wells on the property of the permit
9 applicant. The provisions of this subsection do not apply to
10 publicly owned ~~publicly owned~~ sewage works or the disposal or
11 utilization of sludge from publicly owned ~~publicly owned~~
12 sewage works.

13 (m) Transfer interest in any land which has been used as a
14 hazardous waste disposal site without written notification to
15 the Agency of the transfer and to the transferee of the
16 conditions imposed by the Agency upon its use under subsection
17 (g) of Section 39.

18 (n) Use any land which has been used as a hazardous waste
19 disposal site except in compliance with conditions imposed by
20 the Agency under subsection (g) of Section 39.

21 (o) Conduct a sanitary landfill operation which is required
22 to have a permit under subsection (d) of this Section, in a
23 manner which results in any of the following conditions:

- 24 (1) refuse in standing or flowing waters;
- 25 (2) leachate flows entering waters of the State;
- 26 (3) leachate flows exiting the landfill confines (as

1 determined by the boundaries established for the landfill
2 by a permit issued by the Agency);

3 (4) open burning of refuse in violation of Section 9 of
4 this Act;

5 (5) uncovered refuse remaining from any previous
6 operating day or at the conclusion of any operating day,
7 unless authorized by permit;

8 (6) failure to provide final cover within time limits
9 established by Board regulations;

10 (7) acceptance of wastes without necessary permits;

11 (8) scavenging as defined by Board regulations;

12 (9) deposition of refuse in any unpermitted portion of
13 the landfill;

14 (10) acceptance of a special waste without a required
15 manifest;

16 (11) failure to submit reports required by permits or
17 Board regulations;

18 (12) failure to collect and contain litter from the
19 site by the end of each operating day;

20 (13) failure to submit any cost estimate for the site
21 or any performance bond or other security for the site as
22 required by this Act or Board rules.

23 The prohibitions specified in this subsection (o) shall be
24 enforceable by the Agency either by administrative citation
25 under Section 31.1 of this Act or as otherwise provided by this
26 Act. The specific prohibitions in this subsection do not limit

1 the power of the Board to establish regulations or standards
2 applicable to sanitary landfills.

3 (p) In violation of subdivision (a) of this Section, cause
4 or allow the open dumping of any waste in a manner which
5 results in any of the following occurrences at the dump site:

6 (1) litter;

7 (2) scavenging;

8 (3) open burning;

9 (4) deposition of waste in standing or flowing waters;

10 (5) proliferation of disease vectors;

11 (6) standing or flowing liquid discharge from the dump
12 site;

13 (7) deposition of:

14 (i) general construction or demolition debris as
15 defined in Section 3.160(a) of this Act; or

16 (ii) clean construction or demolition debris as
17 defined in Section 3.160(b) of this Act.

18 The prohibitions specified in this subsection (p) shall be
19 enforceable by the Agency either by administrative citation
20 under Section 31.1 of this Act or as otherwise provided by this
21 Act. The specific prohibitions in this subsection do not limit
22 the power of the Board to establish regulations or standards
23 applicable to open dumping.

24 (q) Conduct a landscape waste composting operation without
25 an Agency permit, provided, however, that no permit shall be
26 required for any person:

1 (1) conducting a landscape waste composting operation
2 for landscape wastes generated by such person's own
3 activities which are stored, treated, or disposed of within
4 the site where such wastes are generated; or

5 (1.5) conducting a landscape waste composting
6 operation that (i) has no more than 25 cubic yards of
7 landscape waste, composting additives, composting
8 material, or end-product compost on-site at any one time
9 and (ii) is not engaging in commercial activity; or

10 (2) applying landscape waste or composted landscape
11 waste at agronomic rates; or

12 (2.5) operating a landscape waste composting facility
13 at a site having 10 or more occupied non-farm residences
14 within 1/2 mile of its boundaries, if the facility meets
15 all of the following criteria:

16 (A) the composting facility is operated by the
17 farmer on property on which the composting material is
18 utilized, and the composting facility constitutes no
19 more than 2% of the site's total acreage;

20 (A-5) any composting additives that the composting
21 facility accepts and uses at the facility are necessary
22 to provide proper conditions for composting and do not
23 exceed 10% of the total composting material at the
24 facility at any one time;

25 (B) the property on which the composting facility
26 is located, and any associated property on which the

1 compost is used, is principally and diligently devoted
2 to the production of agricultural crops and is not
3 owned, leased, or otherwise controlled by any waste
4 hauler or generator of nonagricultural compost
5 materials, and the operator of the composting facility
6 is not an employee, partner, shareholder, or in any way
7 connected with or controlled by any such waste hauler
8 or generator;

9 (C) all compost generated by the composting
10 facility is applied at agronomic rates and used as
11 mulch, fertilizer, or soil conditioner on land
12 actually farmed by the person operating the composting
13 facility, and the finished compost is not stored at the
14 composting site for a period longer than 18 months
15 prior to its application as mulch, fertilizer, or soil
16 conditioner;

17 (D) no fee is charged for the acceptance of
18 materials to be composted at the facility; and

19 (E) the owner or operator, by January 1, 2014 (or
20 the January 1 following commencement of operation,
21 whichever is later) and January 1 of each year
22 thereafter, registers the site with the Agency, (ii)
23 reports to the Agency on the volume of composting
24 material received and used at the site; (iii) certifies
25 to the Agency that the site complies with the
26 requirements set forth in subparagraphs (A), (A-5),

1 (B), (C), and (D) of this paragraph (2.5); and (iv)
2 certifies to the Agency that all composting material
3 was placed more than 200 feet from the nearest potable
4 water supply well, was placed outside the boundary of
5 the 10-year floodplain or on a part of the site that is
6 floodproofed, was placed at least 1/4 mile from the
7 nearest residence (other than a residence located on
8 the same property as the facility) or a lesser distance
9 from the nearest residence (other than a residence
10 located on the same property as the facility) if the
11 municipality in which the facility is located has by
12 ordinance approved a lesser distance than 1/4 mile, and
13 was placed more than 5 feet above the water table; any
14 ordinance approving a residential setback of less than
15 1/4 mile that is used to meet the requirements of this
16 subparagraph (E) of paragraph (2.5) of this subsection
17 must specifically reference this paragraph; or

18 (3) operating a landscape waste composting facility on
19 a farm, if the facility meets all of the following
20 criteria:

21 (A) the composting facility is operated by the
22 farmer on property on which the composting material is
23 utilized, and the composting facility constitutes no
24 more than 2% of the property's total acreage, except
25 that the Board may allow a higher percentage for
26 individual sites where the owner or operator has

1 demonstrated to the Board that the site's soil
2 characteristics or crop needs require a higher rate;

3 (A-1) the composting facility accepts from other
4 agricultural operations for composting with landscape
5 waste no materials other than uncontaminated and
6 source-separated (i) crop residue and other
7 agricultural plant residue generated from the
8 production and harvesting of crops and other customary
9 farm practices, including, but not limited to, stalks,
10 leaves, seed pods, husks, bagasse, and roots and (ii)
11 plant-derived animal bedding, such as straw or
12 sawdust, that is free of manure and was not made from
13 painted or treated wood;

14 (A-2) any composting additives that the composting
15 facility accepts and uses at the facility are necessary
16 to provide proper conditions for composting and do not
17 exceed 10% of the total composting material at the
18 facility at any one time;

19 (B) the property on which the composting facility
20 is located, and any associated property on which the
21 compost is used, is principally and diligently devoted
22 to the production of agricultural crops and is not
23 owned, leased or otherwise controlled by any waste
24 hauler or generator of nonagricultural compost
25 materials, and the operator of the composting facility
26 is not an employee, partner, shareholder, or in any way

1 connected with or controlled by any such waste hauler
2 or generator;

3 (C) all compost generated by the composting
4 facility is applied at agronomic rates and used as
5 mulch, fertilizer or soil conditioner on land actually
6 farmed by the person operating the composting
7 facility, and the finished compost is not stored at the
8 composting site for a period longer than 18 months
9 prior to its application as mulch, fertilizer, or soil
10 conditioner;

11 (D) the owner or operator, by January 1 of each
12 year, (i) registers the site with the Agency, (ii)
13 reports to the Agency on the volume of composting
14 material received and used at the site, (iii) certifies
15 to the Agency that the site complies with the
16 requirements set forth in subparagraphs (A), (A-1),
17 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)
18 certifies to the Agency that all composting material:

19 (I) was placed more than 200 feet from the
20 nearest potable water supply well;

21 (II) was placed outside the boundary of the
22 10-year floodplain or on a part of the site that is
23 floodproofed;

24 (III) was placed either (aa) at least 1/4 mile
25 from the nearest residence (other than a residence
26 located on the same property as the facility) and

1 there are not more than 10 occupied non-farm
2 residences within 1/2 mile of the boundaries of the
3 site on the date of application or (bb) a lesser
4 distance from the nearest residence (other than a
5 residence located on the same property as the
6 facility) provided that the municipality or county
7 in which the facility is located has by ordinance
8 approved a lesser distance than 1/4 mile and there
9 are not more than 10 occupied non-farm residences
10 within 1/2 mile of the boundaries of the site on
11 the date of application; and

12 (IV) was placed more than 5 feet above the
13 water table.

14 Any ordinance approving a residential setback of
15 less than 1/4 mile that is used to meet the
16 requirements of this subparagraph (D) must
17 specifically reference this subparagraph.

18 For the purposes of this subsection (q), "agronomic rates"
19 means the application of not more than 20 tons per acre per
20 year, except that the Board may allow a higher rate for
21 individual sites where the owner or operator has demonstrated
22 to the Board that the site's soil characteristics or crop needs
23 require a higher rate.

24 (r) Cause or allow the storage or disposal of coal
25 combustion waste unless:

26 (1) such waste is stored or disposed of at a site or

1 facility for which a permit has been obtained or is not
2 otherwise required under subsection (d) of this Section; or

3 (2) such waste is stored or disposed of as a part of
4 the design and reclamation of a site or facility which is
5 an abandoned mine site in accordance with the Abandoned
6 Mined Lands and Water Reclamation Act; or

7 (3) such waste is stored or disposed of at a site or
8 facility which is operating under NPDES and Subtitle D
9 permits issued by the Agency pursuant to regulations
10 adopted by the Board for mine-related water pollution and
11 permits issued pursuant to the federal ~~Federal~~ Surface
12 Mining Control and Reclamation Act of 1977 (P.L. 95-87) or
13 the rules and regulations thereunder or any law or rule or
14 regulation adopted by the State of Illinois pursuant
15 thereto, and the owner or operator of the facility agrees
16 to accept the waste; and either:

17 (i) such waste is stored or disposed of in
18 accordance with requirements applicable to refuse
19 disposal under regulations adopted by the Board for
20 mine-related water pollution and pursuant to NPDES and
21 Subtitle D permits issued by the Agency under such
22 regulations; or

23 (ii) the owner or operator of the facility
24 demonstrates all of the following to the Agency, and
25 the facility is operated in accordance with the
26 demonstration as approved by the Agency: (1) the

1 disposal area will be covered in a manner that will
2 support continuous vegetation, (2) the facility will
3 be adequately protected from wind and water erosion,
4 (3) the pH will be maintained so as to prevent
5 excessive leaching of metal ions, and (4) adequate
6 containment or other measures will be provided to
7 protect surface water and groundwater from
8 contamination at levels prohibited by this Act, the
9 Illinois Groundwater Protection Act, or regulations
10 adopted pursuant thereto.

11 Notwithstanding any other provision of this Title, the
12 disposal of coal combustion waste pursuant to item (2) or (3)
13 of this subdivision (r) shall be exempt from the other
14 provisions of this Title V, and notwithstanding the provisions
15 of Title X of this Act, the Agency is authorized to grant
16 experimental permits which include provision for the disposal
17 of wastes from the combustion of coal and other materials
18 pursuant to items (2) and (3) of this subdivision (r).

19 (s) After April 1, 1989, offer for transportation,
20 transport, deliver, receive or accept special waste for which a
21 manifest is required, unless the manifest indicates that the
22 fee required under Section 22.8 of this Act has been paid.

23 (t) Cause or allow a lateral expansion of a municipal solid
24 waste landfill unit on or after October 9, 1993, without a
25 permit modification, granted by the Agency, that authorizes the
26 lateral expansion.

1 (u) Conduct any vegetable by-product treatment, storage,
2 disposal or transportation operation in violation of any
3 regulation, standards or permit requirements adopted by the
4 Board under this Act. However, no permit shall be required
5 under this Title V for the land application of vegetable
6 by-products conducted pursuant to Agency permit issued under
7 Title III of this Act to the generator of the vegetable
8 by-products. In addition, vegetable by-products may be
9 transported in this State without a special waste hauling
10 permit, and without the preparation and carrying of a manifest.

11 (v) (Blank).

12 (w) Conduct any generation, transportation, or recycling
13 of construction or demolition debris, clean or general, or
14 uncontaminated soil generated during construction, remodeling,
15 repair, and demolition of utilities, structures, and roads that
16 is not commingled with any waste, without the maintenance of
17 documentation identifying the hauler, generator, place of
18 origin of the debris or soil, the weight or volume of the
19 debris or soil, and the location, owner, and operator of the
20 facility where the debris or soil was transferred, disposed,
21 recycled, or treated. This documentation must be maintained by
22 the generator, transporter, or recycler for 3 years. This
23 subsection (w) shall not apply to (1) a permitted pollution
24 control facility that transfers or accepts construction or
25 demolition debris, clean or general, or uncontaminated soil for
26 final disposal, recycling, or treatment, (2) a public utility

1 (as that term is defined in the Public Utilities Act) or a
2 municipal utility, (3) the Illinois Department of
3 Transportation, or (4) a municipality or a county highway
4 department, with the exception of any municipality or county
5 highway department located within a county having a population
6 of over 3,000,000 inhabitants or located in a county that is
7 contiguous to a county having a population of over 3,000,000
8 inhabitants; but it shall apply to an entity that contracts
9 with a public utility, a municipal utility, the Illinois
10 Department of Transportation, or a municipality or a county
11 highway department. The terms "generation" and "recycling", as
12 used in this subsection, do not apply to clean construction or
13 demolition debris when (i) used as fill material below grade
14 outside of a setback zone if covered by sufficient
15 uncontaminated soil to support vegetation within 30 days of the
16 completion of filling or if covered by a road or structure,
17 (ii) solely broken concrete without protruding metal bars is
18 used for erosion control, or (iii) milled asphalt or crushed
19 concrete is used as aggregate in construction of the shoulder
20 of a roadway. The terms "generation" and "recycling", as used
21 in this subsection, do not apply to uncontaminated soil that is
22 not commingled with any waste when (i) used as fill material
23 below grade or contoured to grade, or (ii) used at the site of
24 generation.

25 (Source: P.A. 100-103, eff. 8-11-17; 101-171, eff. 7-30-19;
26 revised 9-12-19.)

1 (415 ILCS 5/21.7)

2 Sec. 21.7. Landfills.

3 (a) The purpose of this Section is to enact legislative
4 recommendations provided by the Mahomet Aquifer Protection
5 Task Force, established under Public Act 100-403. The Task
6 Force identified capped but unregulated or underregulated
7 landfills that overlie the Mahomet Aquifer as potentially
8 hazardous to valuable groundwater resources. These unregulated
9 or underregulated landfills generally began accepting waste
10 for disposal sometime prior to 1973.

11 (b) The Agency shall prioritize unregulated or
12 underregulated landfills that overlie the Mahomet Aquifer for
13 inspection. The following factors shall be considered:

14 (1) the presence of, and depth to, any aquifer with
15 potential potable use;

16 (2) whether the landfill has an engineered liner
17 system;

18 (3) whether the landfill has an active groundwater
19 monitoring system;

20 (4) whether waste disposal occurred within the
21 100-year floodplain; and

22 (5) landfills within the setback zone of any potable
23 water supply well.

24 (c) Subject to appropriation, the Agency shall use existing
25 information available from State and federal agencies, such as

1 the Prairie Research Institute, the Department of Natural
2 Resources, the Illinois Emergency Management Agency, the
3 Federal Emergency Management Agency, and the Natural Resources
4 Conservation Service, to identify unknown, unregulated, or
5 underregulated waste disposal sites that overlie the Mahomet
6 Aquifer that may pose a threat to surface water or groundwater
7 resources.

8 (d) Subject to appropriation, for those landfills
9 prioritized for response action following inspection and
10 investigation, the Agency shall use its own data, along with
11 data from municipalities, counties, solid waste management
12 associations, companies, corporations, and individuals, to
13 archive information about the landfills, including their
14 ownership, operational details, and waste disposal history.

15 (Source: P.A. 101-573, eff. 1-1-20; revised 12-9-19.)

16 (415 ILCS 5/22.23d)

17 Sec. 22.23d. Rechargeable batteries.

18 (a) "Rechargeable battery" means one or more voltaic or
19 galvanic cells, electrically connected to produce electric
20 energy, that are ~~is~~ designed to be recharged for repeated uses.
21 "Rechargeable battery" includes, but is not limited to, a
22 battery containing lithium ion, lithium metal, or lithium
23 polymer or that uses lithium as an anode or cathode, that is
24 designed to be recharged for repeated uses. "Rechargeable
25 battery" does not mean either of the following:

1 (1) Any dry cell battery that is used as the principal
2 power source for transportation, including, but not
3 limited to, automobiles, motorcycles, or boats.

4 (2) Any battery that is used only as a backup power
5 source for memory or program instruction storage,
6 timekeeping, or any similar purpose that requires
7 uninterrupted electrical power in order to function if the
8 primary energy supply fails or fluctuates momentarily.

9 (b) Unless expressly authorized by a recycling collection
10 program, beginning January 1, 2020, no person shall knowingly
11 mix a rechargeable battery or any appliance, device, or other
12 item that contains a rechargeable battery with any other
13 material intended for collection by a hauler as a recyclable
14 material.

15 Unless expressly authorized by a recycling collection
16 program, beginning January 1, 2020, no person shall knowingly
17 place a rechargeable battery or any appliance, device, or other
18 item that contains a rechargeable battery into a container
19 intended for collection by a hauler for processing at a
20 recycling center.

21 (c) The Agency shall include on its website information
22 regarding the recycling of rechargeable batteries.

23 (Source: P.A. 101-137, eff. 7-26-19; revised 9-12-19.)

24 (415 ILCS 5/22.59)

25 Sec. 22.59. CCR surface impoundments.

1 (a) The General Assembly finds that:

2 (1) the State of Illinois has a long-standing policy to
3 restore, protect, and enhance the environment, including
4 the purity of the air, land, and waters, including
5 groundwaters, of this State;

6 (2) a clean environment is essential to the growth and
7 well-being of this State;

8 (3) CCR generated by the electric generating industry
9 has caused groundwater contamination and other forms of
10 pollution at active and inactive plants throughout this
11 State;

12 (4) environmental laws should be supplemented to
13 ensure consistent, responsible regulation of all existing
14 CCR surface impoundments; and

15 (5) meaningful participation of State residents,
16 especially vulnerable populations who may be affected by
17 regulatory actions, is critical to ensure that
18 environmental justice considerations are incorporated in
19 the development of, decision-making related to, and
20 implementation of environmental laws and rulemaking that
21 protects and improves the well-being of communities in this
22 State that bear disproportionate burdens imposed by
23 environmental pollution.

24 Therefore, the purpose of this Section is to promote a
25 healthful environment, including clean water, air, and land,
26 meaningful public involvement, and the responsible disposal

1 and storage of coal combustion residuals, so as to protect
2 public health and to prevent pollution of the environment of
3 this State.

4 The provisions of this Section shall be liberally construed
5 to carry out the purposes of this Section.

6 (b) No person shall:

7 (1) cause or allow the discharge of any contaminants
8 from a CCR surface impoundment into the environment so as
9 to cause, directly or indirectly, a violation of this
10 Section or any regulations or standards adopted by the
11 Board under this Section, either alone or in combination
12 with contaminants from other sources;

13 (2) construct, install, modify, operate, or close any
14 CCR surface impoundment without a permit granted by the
15 Agency, or so as to violate any conditions imposed by such
16 permit, any provision of this Section or any regulations or
17 standards adopted by the Board under this Section; or

18 (3) cause or allow, directly or indirectly, the
19 discharge, deposit, injection, dumping, spilling, leaking,
20 or placing of any CCR upon the land in a place and manner
21 so as to cause or tend to cause a violation this Section or
22 any regulations or standards adopted by the Board under
23 this Section.

24 (c) For purposes of this Section, a permit issued by the
25 Administrator of the United States Environmental Protection
26 Agency under Section 4005 of the federal Resource Conservation

1 and Recovery Act, shall be deemed to be a permit under this
2 Section and subsection (y) of Section 39.

3 (d) Before commencing closure of a CCR surface impoundment,
4 in accordance with Board rules, the owner of a CCR surface
5 impoundment must submit to the Agency for approval a closure
6 alternatives analysis that analyzes all closure methods being
7 considered and that otherwise satisfies all closure
8 requirements adopted by the Board under this Act. Complete
9 removal of CCR, as specified by the Board's rules, from the CCR
10 surface impoundment must be considered and analyzed. Section
11 3.405 does not apply to the Board's rules specifying complete
12 removal of CCR. The selected closure method must ensure
13 compliance with regulations adopted by the Board pursuant to
14 this Section.

15 (e) Owners or operators of CCR surface impoundments who
16 have submitted a closure plan to the Agency before May 1, 2019,
17 and who have completed closure prior to 24 months after July
18 30, 2019 (the effective date of Public Act 101-171) ~~this~~
19 ~~amendatory Act of the 101st General Assembly~~ shall not be
20 required to obtain a construction permit for the surface
21 impoundment closure under this Section.

22 (f) Except for the State, its agencies and institutions, a
23 unit of local government, or not-for-profit electric
24 cooperative as defined in Section 3.4 of the Electric Supplier
25 Act, any person who owns or operates a CCR surface impoundment
26 in this State shall post with the Agency a performance bond or

1 other security for the purpose of: (i) ensuring closure of the
2 CCR surface impoundment and post-closure care in accordance
3 with this Act and its rules; and (ii) insuring remediation of
4 releases from the CCR surface impoundment. The only acceptable
5 forms of financial assurance are: a trust fund, a surety bond
6 guaranteeing payment, a surety bond guaranteeing performance,
7 or an irrevocable letter of credit.

8 (1) The cost estimate for the post-closure care of a
9 CCR surface impoundment shall be calculated using a 30-year
10 post-closure care period or such longer period as may be
11 approved by the Agency under Board or federal rules.

12 (2) The Agency is authorized to enter into such
13 contracts and agreements as it may deem necessary to carry
14 out the purposes of this Section. Neither the State, nor
15 the Director, nor any State employee shall be liable for
16 any damages or injuries arising out of or resulting from
17 any action taken under this Section.

18 (3) The Agency shall have the authority to approve or
19 disapprove any performance bond or other security posted
20 under this subsection. Any person whose performance bond or
21 other security is disapproved by the Agency may contest the
22 disapproval as a permit denial appeal pursuant to Section
23 40.

24 (g) The Board shall adopt rules establishing construction
25 permit requirements, operating permit requirements, design
26 standards, reporting, financial assurance, and closure and

1 post-closure care requirements for CCR surface impoundments.
2 Not later than 8 months after July 30, 2019 (the effective date
3 of Public Act 101-171) ~~this amendatory Act of the 101st General~~
4 ~~Assembly~~ the Agency shall propose, and not later than one year
5 after receipt of the Agency's proposal the Board shall adopt,
6 rules under this Section. The rules must, at a minimum:

7 (1) be at least as protective and comprehensive as the
8 federal regulations or amendments thereto promulgated by
9 the Administrator of the United States Environmental
10 Protection Agency in Subpart D of 40 CFR 257 governing CCR
11 surface impoundments;

12 (2) specify the minimum contents of CCR surface
13 impoundment construction and operating permit
14 applications, including the closure alternatives analysis
15 required under subsection (d);

16 (3) specify which types of permits include
17 requirements for closure, post-closure, remediation and
18 all other requirements applicable to CCR surface
19 impoundments;

20 (4) specify when permit applications for existing CCR
21 surface impoundments must be submitted, taking into
22 consideration whether the CCR surface impoundment must
23 close under the RCRA;

24 (5) specify standards for review and approval by the
25 Agency of CCR surface impoundment permit applications;

26 (6) specify meaningful public participation procedures

1 for the issuance of CCR surface impoundment construction
2 and operating permits, including, but not limited to,
3 public notice of the submission of permit applications, an
4 opportunity for the submission of public comments, an
5 opportunity for a public hearing prior to permit issuance,
6 and a summary and response of the comments prepared by the
7 Agency;

8 (7) prescribe the type and amount of the performance
9 bonds or other securities required under subsection (f),
10 and the conditions under which the State is entitled to
11 collect moneys from such performance bonds or other
12 securities;

13 (8) specify a procedure to identify areas of
14 environmental justice concern in relation to CCR surface
15 impoundments;

16 (9) specify a method to prioritize CCR surface
17 impoundments required to close under RCRA if not otherwise
18 specified by the United States Environmental Protection
19 Agency, so that the CCR surface impoundments with the
20 highest risk to public health and the environment, and
21 areas of environmental justice concern are given first
22 priority;

23 (10) define when complete removal of CCR is achieved
24 and specify the standards for responsible removal of CCR
25 from CCR surface impoundments, including, but not limited
26 to, dust controls and the protection of adjacent surface

1 water and groundwater; and

2 (11) describe the process and standards for
3 identifying a specific alternative source of groundwater
4 pollution when the owner or operator of the CCR surface
5 impoundment believes that groundwater contamination on the
6 site is not from the CCR surface impoundment.

7 (h) Any owner of a CCR surface impoundment that generates
8 CCR and sells or otherwise provides coal combustion byproducts
9 pursuant to Section 3.135 shall, every 12 months, post on its
10 publicly available website a report specifying the volume or
11 weight of CCR, in cubic yards or tons, that it sold or provided
12 during the past 12 months.

13 (i) The owner of a CCR surface impoundment shall post all
14 closure plans, permit applications, and supporting
15 documentation, as well as any Agency approval of the plans or
16 applications on its publicly available website.

17 (j) The owner or operator of a CCR surface impoundment
18 shall pay the following fees:

19 (1) An initial fee to the Agency within 6 months after
20 July 30, 2019 (the effective date of Public Act 101-171)
21 ~~this amendatory Act of the 101st General Assembly~~ of:

22 \$50,000 for each closed CCR surface impoundment;

23 and

24 \$75,000 for each CCR surface impoundment that have
25 not completed closure.

26 (2) Annual fees to the Agency, beginning on July 1,

1 2020, of:

2 \$25,000 for each CCR surface impoundment that has
3 not completed closure; and

4 \$15,000 for each CCR surface impoundment that has
5 completed closure, but has not completed post-closure
6 care.

7 (k) All fees collected by the Agency under subsection (j)
8 shall be deposited into the Environmental Protection Permit and
9 Inspection Fund.

10 (l) The Coal Combustion Residual Surface Impoundment
11 Financial Assurance Fund is created as a special fund in the
12 State treasury. Any moneys forfeited to the State of Illinois
13 from any performance bond or other security required under this
14 Section shall be placed in the Coal Combustion Residual Surface
15 Impoundment Financial Assurance Fund and shall, upon approval
16 by the Governor and the Director, be used by the Agency for the
17 purposes for which such performance bond or other security was
18 issued. The Coal Combustion Residual Surface Impoundment
19 Financial Assurance Fund is not subject to the provisions of
20 subsection (c) of Section 5 of the State Finance Act.

21 (m) The provisions of this Section shall apply, without
22 limitation, to all existing CCR surface impoundments and any
23 CCR surface impoundments constructed after July 30, 2019 (the
24 effective date of Public Act 101-171) ~~this amendatory Act of~~
25 ~~the 101st General Assembly~~, except to the extent prohibited by
26 the Illinois or United States Constitutions.

1 (Source: P.A. 101-171, eff. 7-30-19; revised 10-22-19.)

2 (415 ILCS 5/22.60)

3 (This Section may contain text from a Public Act with a
4 delayed effective date)

5 (For Section repeal see subsection (e))

6 Sec. 22.60 ~~22.59~~. Pilot project for Will County and Grundy
7 County pyrolysis or gasification facility.

8 (a) As used in this Section:

9 "Plastics" means polystyrene or any other synthetic
10 organic polymer that can be molded into shape under heat and
11 pressure and then set into a rigid or slightly elastic form.

12 "Plastics gasification facility" means a manufacturing
13 facility that:

14 (1) receives only uncontaminated plastics that have
15 been processed prior to receipt at the facility into a
16 feedstock meeting the facility's specifications for a
17 gasification feedstock; and

18 (2) uses heat in an oxygen-deficient atmosphere to
19 process the feedstock into fuels, chemicals, or chemical
20 feedstocks that are returned to the economic mainstream in
21 the form of raw materials or products.

22 "Plastics pyrolysis facility" means a manufacturing
23 facility that:

24 (1) receives only uncontaminated plastics that have
25 been processed prior to receipt at the facility into a

1 feedstock meeting the facility's specifications for a
2 pyrolysis feedstock; and

3 (2) uses heat in the absence of oxygen to process the
4 uncontaminated plastics into fuels, chemicals, or chemical
5 feedstocks that are returned to the economic mainstream in
6 the form of raw materials or products.

7 (b) Provided that permitting and construction has
8 commenced prior to July 1, 2025, a pilot project allowing for a
9 pyrolysis or gasification facility in accordance with this
10 Section is permitted for a locally zoned and approved site in
11 either Will County or Grundy County.

12 (c) To the extent allowed by federal law, uncontaminated
13 plastics that have been processed into a feedstock meeting
14 feedstock specifications for a plastics gasification facility
15 or plastics pyrolysis facility, and that are further processed
16 by such a facility and returned to the economic mainstream in
17 the form of raw materials or products, are considered recycled
18 and are not subject to regulation as waste.

19 (d) The Agency may propose to the Board for adoption, and
20 the Board may adopt, rules establishing standards for materials
21 accepted as feedstocks by plastics gasification facilities and
22 plastics pyrolysis facilities, rules establishing standards
23 for the management of feedstocks at plastics gasification
24 facilities and plastics pyrolysis facilities, and any other
25 rules, as may be necessary to implement and administer this
26 Section.

1 (e) If permitting and construction for the pilot project
2 under subsection (b) has not commenced by July 1, 2025, this
3 Section is repealed.

4 (Source: P.A. 101-141, eff. 7-1-20; revised 10-22-19.)

5 (415 ILCS 5/22.61)

6 Sec. 22.61 ~~22.59~~. Regulation of bisphenol A in business
7 transaction paper.

8 (a) For purposes of this Section, "thermal paper" means
9 paper with bisphenol A added to the coating.

10 (b) Beginning January 1, 2020, no person shall manufacture,
11 for sale in this State, thermal paper.

12 (c) No person shall distribute or use any thermal paper for
13 the making of business or banking records, including, but not
14 limited to, records of receipts, credits, withdrawals,
15 deposits, or credit or debit card transactions. This subsection
16 shall not apply to thermal paper that was manufactured prior to
17 January 1, 2020.

18 (d) The prohibition in subsections (a) and (b) shall not
19 apply to paper containing recycled material.

20 (Source: P.A. 101-457, eff. 8-23-19; revised 10-22-19.)

21 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

22 Sec. 39. Issuance of permits; procedures.

23 (a) When the Board has by regulation required a permit for
24 the construction, installation, or operation of any type of

1 facility, equipment, vehicle, vessel, or aircraft, the
2 applicant shall apply to the Agency for such permit and it
3 shall be the duty of the Agency to issue such a permit upon
4 proof by the applicant that the facility, equipment, vehicle,
5 vessel, or aircraft will not cause a violation of this Act or
6 of regulations hereunder. The Agency shall adopt such
7 procedures as are necessary to carry out its duties under this
8 Section. In making its determinations on permit applications
9 under this Section the Agency may consider prior adjudications
10 of noncompliance with this Act by the applicant that involved a
11 release of a contaminant into the environment. In granting
12 permits, the Agency may impose reasonable conditions
13 specifically related to the applicant's past compliance
14 history with this Act as necessary to correct, detect, or
15 prevent noncompliance. The Agency may impose such other
16 conditions as may be necessary to accomplish the purposes of
17 this Act, and as are not inconsistent with the regulations
18 promulgated by the Board hereunder. Except as otherwise
19 provided in this Act, a bond or other security shall not be
20 required as a condition for the issuance of a permit. If the
21 Agency denies any permit under this Section, the Agency shall
22 transmit to the applicant within the time limitations of this
23 Section specific, detailed statements as to the reasons the
24 permit application was denied. Such statements shall include,
25 but not be limited to the following:

26 (i) the Sections of this Act which may be violated if

1 the permit were granted;

2 (ii) the provision of the regulations, promulgated
3 under this Act, which may be violated if the permit were
4 granted;

5 (iii) the specific type of information, if any, which
6 the Agency deems the applicant did not provide the Agency;
7 and

8 (iv) a statement of specific reasons why the Act and
9 the regulations might not be met if the permit were
10 granted.

11 If there is no final action by the Agency within 90 days
12 after the filing of the application for permit, the applicant
13 may deem the permit issued; except that this time period shall
14 be extended to 180 days when (1) notice and opportunity for
15 public hearing are required by State or federal law or
16 regulation, (2) the application which was filed is for any
17 permit to develop a landfill subject to issuance pursuant to
18 this subsection, or (3) the application that was filed is for a
19 MSWLF unit required to issue public notice under subsection (p)
20 of Section 39. The 90-day and 180-day time periods for the
21 Agency to take final action do not apply to NPDES permit
22 applications under subsection (b) of this Section, to RCRA
23 permit applications under subsection (d) of this Section, to
24 UIC permit applications under subsection (e) of this Section,
25 or to CCR surface impoundment applications under subsection (y)
26 of this Section.

1 The Agency shall publish notice of all final permit
2 determinations for development permits for MSWLF units and for
3 significant permit modifications for lateral expansions for
4 existing MSWLF units one time in a newspaper of general
5 circulation in the county in which the unit is or is proposed
6 to be located.

7 After January 1, 1994 and until July 1, 1998, operating
8 permits issued under this Section by the Agency for sources of
9 air pollution permitted to emit less than 25 tons per year of
10 any combination of regulated air pollutants, as defined in
11 Section 39.5 of this Act, shall be required to be renewed only
12 upon written request by the Agency consistent with applicable
13 provisions of this Act and regulations promulgated hereunder.
14 Such operating permits shall expire 180 days after the date of
15 such a request. The Board shall revise its regulations for the
16 existing State air pollution operating permit program
17 consistent with this provision by January 1, 1994.

18 After June 30, 1998, operating permits issued under this
19 Section by the Agency for sources of air pollution that are not
20 subject to Section 39.5 of this Act and are not required to
21 have a federally enforceable State operating permit shall be
22 required to be renewed only upon written request by the Agency
23 consistent with applicable provisions of this Act and its
24 rules. Such operating permits shall expire 180 days after the
25 date of such a request. Before July 1, 1998, the Board shall
26 revise its rules for the existing State air pollution operating

1 permit program consistent with this paragraph and shall adopt
2 rules that require a source to demonstrate that it qualifies
3 for a permit under this paragraph.

4 (b) The Agency may issue NPDES permits exclusively under
5 this subsection for the discharge of contaminants from point
6 sources into navigable waters, all as defined in the Federal
7 Water Pollution Control Act, as now or hereafter amended,
8 within the jurisdiction of the State, or into any well.

9 All NPDES permits shall contain those terms and conditions,
10 including, but not limited to, schedules of compliance, which
11 may be required to accomplish the purposes and provisions of
12 this Act.

13 The Agency may issue general NPDES permits for discharges
14 from categories of point sources which are subject to the same
15 permit limitations and conditions. Such general permits may be
16 issued without individual applications and shall conform to
17 regulations promulgated under Section 402 of the Federal Water
18 Pollution Control Act, as now or hereafter amended.

19 The Agency may include, among such conditions, effluent
20 limitations and other requirements established under this Act,
21 Board regulations, the Federal Water Pollution Control Act, as
22 now or hereafter amended, and regulations pursuant thereto, and
23 schedules for achieving compliance therewith at the earliest
24 reasonable date.

25 The Agency shall adopt filing requirements and procedures
26 which are necessary and appropriate for the issuance of NPDES

1 permits, and which are consistent with the Act or regulations
2 adopted by the Board, and with the Federal Water Pollution
3 Control Act, as now or hereafter amended, and regulations
4 pursuant thereto.

5 The Agency, subject to any conditions which may be
6 prescribed by Board regulations, may issue NPDES permits to
7 allow discharges beyond deadlines established by this Act or by
8 regulations of the Board without the requirement of a variance,
9 subject to the Federal Water Pollution Control Act, as now or
10 hereafter amended, and regulations pursuant thereto.

11 (c) Except for those facilities owned or operated by
12 sanitary districts organized under the Metropolitan Water
13 Reclamation District Act, no permit for the development or
14 construction of a new pollution control facility may be granted
15 by the Agency unless the applicant submits proof to the Agency
16 that the location of the facility has been approved by the
17 county board ~~County Board~~ of the county if in an unincorporated
18 area, or the governing body of the municipality when in an
19 incorporated area, in which the facility is to be located in
20 accordance with Section 39.2 of this Act. For purposes of this
21 subsection (c), and for purposes of Section 39.2 of this Act,
22 the appropriate county board or governing body of the
23 municipality shall be the county board of the county or the
24 governing body of the municipality in which the facility is to
25 be located as of the date when the application for siting
26 approval is filed.

1 In the event that siting approval granted pursuant to
2 Section 39.2 has been transferred to a subsequent owner or
3 operator, that subsequent owner or operator may apply to the
4 Agency for, and the Agency may grant, a development or
5 construction permit for the facility for which local siting
6 approval was granted. Upon application to the Agency for a
7 development or construction permit by that subsequent owner or
8 operator, the permit applicant shall cause written notice of
9 the permit application to be served upon the appropriate county
10 board or governing body of the municipality that granted siting
11 approval for that facility and upon any party to the siting
12 proceeding pursuant to which siting approval was granted. In
13 that event, the Agency shall conduct an evaluation of the
14 subsequent owner or operator's prior experience in waste
15 management operations in the manner conducted under subsection
16 (i) of Section 39 of this Act.

17 Beginning August 20, 1993, if the pollution control
18 facility consists of a hazardous or solid waste disposal
19 facility for which the proposed site is located in an
20 unincorporated area of a county with a population of less than
21 100,000 and includes all or a portion of a parcel of land that
22 was, on April 1, 1993, adjacent to a municipality having a
23 population of less than 5,000, then the local siting review
24 required under this subsection (c) in conjunction with any
25 permit applied for after that date shall be performed by the
26 governing body of that adjacent municipality rather than the

1 county board of the county in which the proposed site is
2 located; and for the purposes of that local siting review, any
3 references in this Act to the county board shall be deemed to
4 mean the governing body of that adjacent municipality;
5 provided, however, that the provisions of this paragraph shall
6 not apply to any proposed site which was, on April 1, 1993,
7 owned in whole or in part by another municipality.

8 In the case of a pollution control facility for which a
9 development permit was issued before November 12, 1981, if an
10 operating permit has not been issued by the Agency prior to
11 August 31, 1989 for any portion of the facility, then the
12 Agency may not issue or renew any development permit nor issue
13 an original operating permit for any portion of such facility
14 unless the applicant has submitted proof to the Agency that the
15 location of the facility has been approved by the appropriate
16 county board or municipal governing body pursuant to Section
17 39.2 of this Act.

18 After January 1, 1994, if a solid waste disposal facility,
19 any portion for which an operating permit has been issued by
20 the Agency, has not accepted waste disposal for 5 or more
21 consecutive calendar ~~calendars~~ years, before that facility may
22 accept any new or additional waste for disposal, the owner and
23 operator must obtain a new operating permit under this Act for
24 that facility unless the owner and operator have applied to the
25 Agency for a permit authorizing the temporary suspension of
26 waste acceptance. The Agency may not issue a new operation

1 permit under this Act for the facility unless the applicant has
2 submitted proof to the Agency that the location of the facility
3 has been approved or re-approved by the appropriate county
4 board or municipal governing body under Section 39.2 of this
5 Act after the facility ceased accepting waste.

6 Except for those facilities owned or operated by sanitary
7 districts organized under the Metropolitan Water Reclamation
8 District Act, and except for new pollution control facilities
9 governed by Section 39.2, and except for fossil fuel mining
10 facilities, the granting of a permit under this Act shall not
11 relieve the applicant from meeting and securing all necessary
12 zoning approvals from the unit of government having zoning
13 jurisdiction over the proposed facility.

14 Before beginning construction on any new sewage treatment
15 plant or sludge drying site to be owned or operated by a
16 sanitary district organized under the Metropolitan Water
17 Reclamation District Act for which a new permit (rather than
18 the renewal or amendment of an existing permit) is required,
19 such sanitary district shall hold a public hearing within the
20 municipality within which the proposed facility is to be
21 located, or within the nearest community if the proposed
22 facility is to be located within an unincorporated area, at
23 which information concerning the proposed facility shall be
24 made available to the public, and members of the public shall
25 be given the opportunity to express their views concerning the
26 proposed facility.

1 The Agency may issue a permit for a municipal waste
2 transfer station without requiring approval pursuant to
3 Section 39.2 provided that the following demonstration is made:

4 (1) the municipal waste transfer station was in
5 existence on or before January 1, 1979 and was in
6 continuous operation from January 1, 1979 to January 1,
7 1993;

8 (2) the operator submitted a permit application to the
9 Agency to develop and operate the municipal waste transfer
10 station during April of 1994;

11 (3) the operator can demonstrate that the county board
12 of the county, if the municipal waste transfer station is
13 in an unincorporated area, or the governing body of the
14 municipality, if the station is in an incorporated area,
15 does not object to resumption of the operation of the
16 station; and

17 (4) the site has local zoning approval.

18 (d) The Agency may issue RCRA permits exclusively under
19 this subsection to persons owning or operating a facility for
20 the treatment, storage, or disposal of hazardous waste as
21 defined under this Act. Subsection (y) of this Section, rather
22 than this subsection (d), shall apply to permits issued for CCR
23 surface impoundments.

24 All RCRA permits shall contain those terms and conditions,
25 including, but not limited to, schedules of compliance, which
26 may be required to accomplish the purposes and provisions of

1 this Act. The Agency may include among such conditions
2 standards and other requirements established under this Act,
3 Board regulations, the Resource Conservation and Recovery Act
4 of 1976 (P.L. 94-580), as amended, and regulations pursuant
5 thereto, and may include schedules for achieving compliance
6 therewith as soon as possible. The Agency shall require that a
7 performance bond or other security be provided as a condition
8 for the issuance of a RCRA permit.

9 In the case of a permit to operate a hazardous waste or PCB
10 incinerator as defined in subsection (k) of Section 44, the
11 Agency shall require, as a condition of the permit, that the
12 operator of the facility perform such analyses of the waste to
13 be incinerated as may be necessary and appropriate to ensure
14 the safe operation of the incinerator.

15 The Agency shall adopt filing requirements and procedures
16 which are necessary and appropriate for the issuance of RCRA
17 permits, and which are consistent with the Act or regulations
18 adopted by the Board, and with the Resource Conservation and
19 Recovery Act of 1976 (P.L. 94-580), as amended, and regulations
20 pursuant thereto.

21 The applicant shall make available to the public for
22 inspection all documents submitted by the applicant to the
23 Agency in furtherance of an application, with the exception of
24 trade secrets, at the office of the county board or governing
25 body of the municipality. Such documents may be copied upon
26 payment of the actual cost of reproduction during regular

1 business hours of the local office. The Agency shall issue a
2 written statement concurrent with its grant or denial of the
3 permit explaining the basis for its decision.

4 (e) The Agency may issue UIC permits exclusively under this
5 subsection to persons owning or operating a facility for the
6 underground injection of contaminants as defined under this
7 Act.

8 All UIC permits shall contain those terms and conditions,
9 including, but not limited to, schedules of compliance, which
10 may be required to accomplish the purposes and provisions of
11 this Act. The Agency may include among such conditions
12 standards and other requirements established under this Act,
13 Board regulations, the Safe Drinking Water Act (P.L. 93-523),
14 as amended, and regulations pursuant thereto, and may include
15 schedules for achieving compliance therewith. The Agency shall
16 require that a performance bond or other security be provided
17 as a condition for the issuance of a UIC permit.

18 The Agency shall adopt filing requirements and procedures
19 which are necessary and appropriate for the issuance of UIC
20 permits, and which are consistent with the Act or regulations
21 adopted by the Board, and with the Safe Drinking Water Act
22 (P.L. 93-523), as amended, and regulations pursuant thereto.

23 The applicant shall make available to the public for
24 inspection, all documents submitted by the applicant to the
25 Agency in furtherance of an application, with the exception of
26 trade secrets, at the office of the county board or governing

1 body of the municipality. Such documents may be copied upon
2 payment of the actual cost of reproduction during regular
3 business hours of the local office. The Agency shall issue a
4 written statement concurrent with its grant or denial of the
5 permit explaining the basis for its decision.

6 (f) In making any determination pursuant to Section 9.1 of
7 this Act:

8 (1) The Agency shall have authority to make the
9 determination of any question required to be determined by
10 the Clean Air Act, as now or hereafter amended, this Act,
11 or the regulations of the Board, including the
12 determination of the Lowest Achievable Emission Rate,
13 Maximum Achievable Control Technology, or Best Available
14 Control Technology, consistent with the Board's
15 regulations, if any.

16 (2) The Agency shall adopt requirements as necessary to
17 implement public participation procedures, including, but
18 not limited to, public notice, comment, and an opportunity
19 for hearing, which must accompany the processing of
20 applications for PSD permits. The Agency shall briefly
21 describe and respond to all significant comments on the
22 draft permit raised during the public comment period or
23 during any hearing. The Agency may group related comments
24 together and provide one unified response for each issue
25 raised.

26 (3) Any complete permit application submitted to the

1 Agency under this subsection for a PSD permit shall be
2 granted or denied by the Agency not later than one year
3 after the filing of such completed application.

4 (4) The Agency shall, after conferring with the
5 applicant, give written notice to the applicant of its
6 proposed decision on the application, including the terms
7 and conditions of the permit to be issued and the facts,
8 conduct, or other basis upon which the Agency will rely to
9 support its proposed action.

10 (g) The Agency shall include as conditions upon all permits
11 issued for hazardous waste disposal sites such restrictions
12 upon the future use of such sites as are reasonably necessary
13 to protect public health and the environment, including
14 permanent prohibition of the use of such sites for purposes
15 which may create an unreasonable risk of injury to human health
16 or to the environment. After administrative and judicial
17 challenges to such restrictions have been exhausted, the Agency
18 shall file such restrictions of record in the Office of the
19 Recorder of the county in which the hazardous waste disposal
20 site is located.

21 (h) A hazardous waste stream may not be deposited in a
22 permitted hazardous waste site unless specific authorization
23 is obtained from the Agency by the generator and disposal site
24 owner and operator for the deposit of that specific hazardous
25 waste stream. The Agency may grant specific authorization for
26 disposal of hazardous waste streams only after the generator

1 has reasonably demonstrated that, considering technological
2 feasibility and economic reasonableness, the hazardous waste
3 cannot be reasonably recycled for reuse, nor incinerated or
4 chemically, physically or biologically treated so as to
5 neutralize the hazardous waste and render it nonhazardous. In
6 granting authorization under this Section, the Agency may
7 impose such conditions as may be necessary to accomplish the
8 purposes of the Act and are consistent with this Act and
9 regulations promulgated by the Board hereunder. If the Agency
10 refuses to grant authorization under this Section, the
11 applicant may appeal as if the Agency refused to grant a
12 permit, pursuant to the provisions of subsection (a) of Section
13 40 of this Act. For purposes of this subsection (h), the term
14 "generator" has the meaning given in Section 3.205 of this Act,
15 unless: (1) the hazardous waste is treated, incinerated, or
16 partially recycled for reuse prior to disposal, in which case
17 the last person who treats, incinerates, or partially recycles
18 the hazardous waste prior to disposal is the generator; or (2)
19 the hazardous waste is from a response action, in which case
20 the person performing the response action is the generator.
21 This subsection (h) does not apply to any hazardous waste that
22 is restricted from land disposal under 35 Ill. Adm. Code 728.

23 (i) Before issuing any RCRA permit, any permit for a waste
24 storage site, sanitary landfill, waste disposal site, waste
25 transfer station, waste treatment facility, waste incinerator,
26 or any waste-transportation operation, any permit or interim

1 authorization for a clean construction or demolition debris
2 fill operation, or any permit required under subsection (d-5)
3 of Section 55, the Agency shall conduct an evaluation of the
4 prospective owner's or operator's prior experience in waste
5 management operations, clean construction or demolition debris
6 fill operations, and tire storage site management. The Agency
7 may deny such a permit, or deny or revoke interim
8 authorization, if the prospective owner or operator or any
9 employee or officer of the prospective owner or operator has a
10 history of:

11 (1) repeated violations of federal, State, or local
12 laws, regulations, standards, or ordinances in the
13 operation of waste management facilities or sites, clean
14 construction or demolition debris fill operation
15 facilities or sites, or tire storage sites; or

16 (2) conviction in this or another State of any crime
17 which is a felony under the laws of this State, or
18 conviction of a felony in a federal court; or conviction in
19 this or another state or federal court of any of the
20 following crimes: forgery, official misconduct, bribery,
21 perjury, or knowingly submitting false information under
22 any environmental law, regulation, or permit term or
23 condition; or

24 (3) proof of gross carelessness or incompetence in
25 handling, storing, processing, transporting or disposing
26 of waste, clean construction or demolition debris, or used

1 or waste tires, or proof of gross carelessness or
2 incompetence in using clean construction or demolition
3 debris as fill.

4 (i-5) Before issuing any permit or approving any interim
5 authorization for a clean construction or demolition debris
6 fill operation in which any ownership interest is transferred
7 between January 1, 2005, and the effective date of the
8 prohibition set forth in Section 22.52 of this Act, the Agency
9 shall conduct an evaluation of the operation if any previous
10 activities at the site or facility may have caused or allowed
11 contamination of the site. It shall be the responsibility of
12 the owner or operator seeking the permit or interim
13 authorization to provide to the Agency all of the information
14 necessary for the Agency to conduct its evaluation. The Agency
15 may deny a permit or interim authorization if previous
16 activities at the site may have caused or allowed contamination
17 at the site, unless such contamination is authorized under any
18 permit issued by the Agency.

19 (j) The issuance under this Act of a permit to engage in
20 the surface mining of any resources other than fossil fuels
21 shall not relieve the permittee from its duty to comply with
22 any applicable local law regulating the commencement, location
23 or operation of surface mining facilities.

24 (k) A development permit issued under subsection (a) of
25 Section 39 for any facility or site which is required to have a
26 permit under subsection (d) of Section 21 shall expire at the

1 end of 2 calendar years from the date upon which it was issued,
2 unless within that period the applicant has taken action to
3 develop the facility or the site. In the event that review of
4 the conditions of the development permit is sought pursuant to
5 Section 40 or 41, or permittee is prevented from commencing
6 development of the facility or site by any other litigation
7 beyond the permittee's control, such two-year period shall be
8 deemed to begin on the date upon which such review process or
9 litigation is concluded.

10 (l) No permit shall be issued by the Agency under this Act
11 for construction or operation of any facility or site located
12 within the boundaries of any setback zone established pursuant
13 to this Act, where such construction or operation is
14 prohibited.

15 (m) The Agency may issue permits to persons owning or
16 operating a facility for composting landscape waste. In
17 granting such permits, the Agency may impose such conditions as
18 may be necessary to accomplish the purposes of this Act, and as
19 are not inconsistent with applicable regulations promulgated
20 by the Board. Except as otherwise provided in this Act, a bond
21 or other security shall not be required as a condition for the
22 issuance of a permit. If the Agency denies any permit pursuant
23 to this subsection, the Agency shall transmit to the applicant
24 within the time limitations of this subsection specific,
25 detailed statements as to the reasons the permit application
26 was denied. Such statements shall include but not be limited to

1 the following:

2 (1) the Sections of this Act that may be violated if
3 the permit were granted;

4 (2) the specific regulations promulgated pursuant to
5 this Act that may be violated if the permit were granted;

6 (3) the specific information, if any, the Agency deems
7 the applicant did not provide in its application to the
8 Agency; and

9 (4) a statement of specific reasons why the Act and the
10 regulations might be violated if the permit were granted.

11 If no final action is taken by the Agency within 90 days
12 after the filing of the application for permit, the applicant
13 may deem the permit issued. Any applicant for a permit may
14 waive the 90-day limitation by filing a written statement with
15 the Agency.

16 The Agency shall issue permits for such facilities upon
17 receipt of an application that includes a legal description of
18 the site, a topographic map of the site drawn to the scale of
19 200 feet to the inch or larger, a description of the operation,
20 including the area served, an estimate of the volume of
21 materials to be processed, and documentation that:

22 (1) the facility includes a setback of at least 200
23 feet from the nearest potable water supply well;

24 (2) the facility is located outside the boundary of the
25 10-year floodplain or the site will be floodproofed;

26 (3) the facility is located so as to minimize

1 incompatibility with the character of the surrounding
2 area, including at least a 200 foot setback from any
3 residence, and in the case of a facility that is developed
4 or the permitted composting area of which is expanded after
5 November 17, 1991, the composting area is located at least
6 1/8 mile from the nearest residence (other than a residence
7 located on the same property as the facility);

8 (4) the design of the facility will prevent any compost
9 material from being placed within 5 feet of the water
10 table, will adequately control runoff from the site, and
11 will collect and manage any leachate that is generated on
12 the site;

13 (5) the operation of the facility will include
14 appropriate dust and odor control measures, limitations on
15 operating hours, appropriate noise control measures for
16 shredding, chipping and similar equipment, management
17 procedures for composting, containment and disposal of
18 non-compostable wastes, procedures to be used for
19 terminating operations at the site, and recordkeeping
20 sufficient to document the amount of materials received,
21 composted and otherwise disposed of; and

22 (6) the operation will be conducted in accordance with
23 any applicable rules adopted by the Board.

24 The Agency shall issue renewable permits of not longer than
25 10 years in duration for the composting of landscape wastes, as
26 defined in Section 3.155 of this Act, based on the above

1 requirements.

2 The operator of any facility permitted under this
3 subsection (m) must submit a written annual statement to the
4 Agency on or before April 1 of each year that includes an
5 estimate of the amount of material, in tons, received for
6 composting.

7 (n) The Agency shall issue permits jointly with the
8 Department of Transportation for the dredging or deposit of
9 material in Lake Michigan in accordance with Section 18 of the
10 Rivers, Lakes, and Streams Act.

11 (o) (Blank.)

12 (p) (1) Any person submitting an application for a permit
13 for a new MSWLF unit or for a lateral expansion under
14 subsection (t) of Section 21 of this Act for an existing MSWLF
15 unit that has not received and is not subject to local siting
16 approval under Section 39.2 of this Act shall publish notice of
17 the application in a newspaper of general circulation in the
18 county in which the MSWLF unit is or is proposed to be located.
19 The notice must be published at least 15 days before submission
20 of the permit application to the Agency. The notice shall state
21 the name and address of the applicant, the location of the
22 MSWLF unit or proposed MSWLF unit, the nature and size of the
23 MSWLF unit or proposed MSWLF unit, the nature of the activity
24 proposed, the probable life of the proposed activity, the date
25 the permit application will be submitted, and a statement that
26 persons may file written comments with the Agency concerning

1 the permit application within 30 days after the filing of the
2 permit application unless the time period to submit comments is
3 extended by the Agency.

4 When a permit applicant submits information to the Agency
5 to supplement a permit application being reviewed by the
6 Agency, the applicant shall not be required to reissue the
7 notice under this subsection.

8 (2) The Agency shall accept written comments concerning the
9 permit application that are postmarked no later than 30 days
10 after the filing of the permit application, unless the time
11 period to accept comments is extended by the Agency.

12 (3) Each applicant for a permit described in part (1) of
13 this subsection shall file a copy of the permit application
14 with the county board or governing body of the municipality in
15 which the MSWLF unit is or is proposed to be located at the
16 same time the application is submitted to the Agency. The
17 permit application filed with the county board or governing
18 body of the municipality shall include all documents submitted
19 to or to be submitted to the Agency, except trade secrets as
20 determined under Section 7.1 of this Act. The permit
21 application and other documents on file with the county board
22 or governing body of the municipality shall be made available
23 for public inspection during regular business hours at the
24 office of the county board or the governing body of the
25 municipality and may be copied upon payment of the actual cost
26 of reproduction.

1 (q) Within 6 months after July 12, 2011 (the effective date
2 of Public Act 97-95), the Agency, in consultation with the
3 regulated community, shall develop a web portal to be posted on
4 its website for the purpose of enhancing review and promoting
5 timely issuance of permits required by this Act. At a minimum,
6 the Agency shall make the following information available on
7 the web portal:

8 (1) Checklists and guidance relating to the completion
9 of permit applications, developed pursuant to subsection
10 (s) of this Section, which may include, but are not limited
11 to, existing instructions for completing the applications
12 and examples of complete applications. As the Agency
13 develops new checklists and develops guidance, it shall
14 supplement the web portal with those materials.

15 (2) Within 2 years after July 12, 2011 (the effective
16 date of Public Act 97-95), permit application forms or
17 portions of permit applications that can be completed and
18 saved electronically, and submitted to the Agency
19 electronically with digital signatures.

20 (3) Within 2 years after July 12, 2011 (the effective
21 date of Public Act 97-95), an online tracking system where
22 an applicant may review the status of its pending
23 application, including the name and contact information of
24 the permit analyst assigned to the application. Until the
25 online tracking system has been developed, the Agency shall
26 post on its website semi-annual permitting efficiency

1 tracking reports that include statistics on the timeframes
2 for Agency action on the following types of permits
3 received after July 12, 2011 (the effective date of Public
4 Act 97-95): air construction permits, new NPDES permits and
5 associated water construction permits, and modifications
6 of major NPDES permits and associated water construction
7 permits. The reports must be posted by February 1 and
8 August 1 each year and shall include:

9 (A) the number of applications received for each
10 type of permit, the number of applications on which the
11 Agency has taken action, and the number of applications
12 still pending; and

13 (B) for those applications where the Agency has not
14 taken action in accordance with the timeframes set
15 forth in this Act, the date the application was
16 received and the reasons for any delays, which may
17 include, but shall not be limited to, (i) the
18 application being inadequate or incomplete, (ii)
19 scientific or technical disagreements with the
20 applicant, USEPA, or other local, state, or federal
21 agencies involved in the permitting approval process,
22 (iii) public opposition to the permit, or (iv) Agency
23 staffing shortages. To the extent practicable, the
24 tracking report shall provide approximate dates when
25 cause for delay was identified by the Agency, when the
26 Agency informed the applicant of the problem leading to

1 the delay, and when the applicant remedied the reason
2 for the delay.

3 (r) Upon the request of the applicant, the Agency shall
4 notify the applicant of the permit analyst assigned to the
5 application upon its receipt.

6 (s) The Agency is authorized to prepare and distribute
7 guidance documents relating to its administration of this
8 Section and procedural rules implementing this Section.
9 Guidance documents prepared under this subsection shall not be
10 considered rules and shall not be subject to the Illinois
11 Administrative Procedure Act. Such guidance shall not be
12 binding on any party.

13 (t) Except as otherwise prohibited by federal law or
14 regulation, any person submitting an application for a permit
15 may include with the application suggested permit language for
16 Agency consideration. The Agency is not obligated to use the
17 suggested language or any portion thereof in its permitting
18 decision. If requested by the permit applicant, the Agency
19 shall meet with the applicant to discuss the suggested
20 language.

21 (u) If requested by the permit applicant, the Agency shall
22 provide the permit applicant with a copy of the draft permit
23 prior to any public review period.

24 (v) If requested by the permit applicant, the Agency shall
25 provide the permit applicant with a copy of the final permit
26 prior to its issuance.

1 (w) An air pollution permit shall not be required due to
2 emissions of greenhouse gases, as specified by Section 9.15 of
3 this Act.

4 (x) If, before the expiration of a State operating permit
5 that is issued pursuant to subsection (a) of this Section and
6 contains federally enforceable conditions limiting the
7 potential to emit of the source to a level below the major
8 source threshold for that source so as to exclude the source
9 from the Clean Air Act Permit Program, the Agency receives a
10 complete application for the renewal of that permit, then all
11 of the terms and conditions of the permit shall remain in
12 effect until final administrative action has been taken on the
13 application for the renewal of the permit.

14 (y) The Agency may issue permits exclusively under this
15 subsection to persons owning or operating a CCR surface
16 impoundment subject to Section 22.59.

17 All CCR surface impoundment permits shall contain those
18 terms and conditions, including, but not limited to, schedules
19 of compliance, which may be required to accomplish the purposes
20 and provisions of this Act, Board regulations, the Illinois
21 Groundwater Protection Act and regulations pursuant thereto,
22 and the Resource Conservation and Recovery Act and regulations
23 pursuant thereto, and may include schedules for achieving
24 compliance therewith as soon as possible.

25 The Board shall adopt filing requirements and procedures
26 that are necessary and appropriate for the issuance of CCR

1 surface impoundment permits and that are consistent with this
2 Act or regulations adopted by the Board, and with the RCRA, as
3 amended, and regulations pursuant thereto.

4 The applicant shall make available to the public for
5 inspection all documents submitted by the applicant to the
6 Agency in furtherance of an application, with the exception of
7 trade secrets, on its public internet website as well as at the
8 office of the county board or governing body of the
9 municipality where CCR from the CCR surface impoundment will be
10 permanently disposed. Such documents may be copied upon payment
11 of the actual cost of reproduction during regular business
12 hours of the local office.

13 The Agency shall issue a written statement concurrent with
14 its grant or denial of the permit explaining the basis for its
15 decision.

16 (Source: P.A. 101-171, eff. 7-30-19; revised 9-12-19.)

17 (415 ILCS 5/40) (from Ch. 111 1/2, par. 1040)

18 Sec. 40. Appeal of permit denial.

19 (a)(1) If the Agency refuses to grant or grants with
20 conditions a permit under Section 39 of this Act, the applicant
21 may, within 35 days after the date on which the Agency served
22 its decision on the applicant, petition for a hearing before
23 the Board to contest the decision of the Agency. However, the
24 35-day period for petitioning for a hearing may be extended for
25 an additional period of time not to exceed 90 days by written

1 notice provided to the Board from the applicant and the Agency
2 within the initial appeal period. The Board shall give 21 days'
3 notice to any person in the county where is located the
4 facility in issue who has requested notice of enforcement
5 proceedings and to each member of the General Assembly in whose
6 legislative district that installation or property is located;
7 and shall publish that 21-day notice in a newspaper of general
8 circulation in that county. The Agency shall appear as
9 respondent in such hearing. At such hearing the rules
10 prescribed in Section 32 and subsection (a) of Section 33 of
11 this Act shall apply, and the burden of proof shall be on the
12 petitioner. If, however, the Agency issues an NPDES permit that
13 imposes limits which are based upon a criterion or denies a
14 permit based upon application of a criterion, then the Agency
15 shall have the burden of going forward with the basis for the
16 derivation of those limits or criterion which were derived
17 under the Board's rules.

18 (2) Except as provided in paragraph (a)(3), if there is no
19 final action by the Board within 120 days after the date on
20 which it received the petition, the petitioner may deem the
21 permit issued under this Act, provided, however, that that
22 period of 120 days shall not run for any period of time, not to
23 exceed 30 days, during which the Board is without sufficient
24 membership to constitute the quorum required by subsection (a)
25 of Section 5 of this Act, and provided further that such 120
26 day period shall not be stayed for lack of quorum beyond 30

1 days regardless of whether the lack of quorum exists at the
2 beginning of such 120-day period or occurs during the running
3 of such 120-day period.

4 (3) Paragraph (a) (2) shall not apply to any permit which is
5 subject to subsection (b), (d) or (e) of Section 39. If there
6 is no final action by the Board within 120 days after the date
7 on which it received the petition, the petitioner shall be
8 entitled to an Appellate Court order pursuant to subsection (d)
9 of Section 41 of this Act.

10 (b) If the Agency grants a RCRA permit for a hazardous
11 waste disposal site, a third party, other than the permit
12 applicant or Agency, may, within 35 days after the date on
13 which the Agency issued its decision, petition the Board for a
14 hearing to contest the issuance of the permit. Unless the Board
15 determines that such petition is duplicative or frivolous, or
16 that the petitioner is so located as to not be affected by the
17 permitted facility, the Board shall hear the petition in
18 accordance with the terms of subsection (a) of this Section and
19 its procedural rules governing denial appeals, such hearing to
20 be based exclusively on the record before the Agency. The
21 burden of proof shall be on the petitioner. The Agency and the
22 permit applicant shall be named co-respondents.

23 The provisions of this subsection do not apply to the
24 granting of permits issued for the disposal or utilization of
25 sludge from publicly owned ~~publicly owned~~ sewage works.

26 (c) Any party to an Agency proceeding conducted pursuant to

1 Section 39.3 of this Act may petition as of right to the Board
2 for review of the Agency's decision within 35 days from the
3 date of issuance of the Agency's decision, provided that such
4 appeal is not duplicative or frivolous. However, the 35-day
5 period for petitioning for a hearing may be extended by the
6 applicant for a period of time not to exceed 90 days by written
7 notice provided to the Board from the applicant and the Agency
8 within the initial appeal period. If another person with
9 standing to appeal wishes to obtain an extension, there must be
10 a written notice provided to the Board by that person, the
11 Agency, and the applicant, within the initial appeal period.
12 The decision of the Board shall be based exclusively on the
13 record compiled in the Agency proceeding. In other respects the
14 Board's review shall be conducted in accordance with subsection
15 (a) of this Section and the Board's procedural rules governing
16 permit denial appeals.

17 (d) In reviewing the denial or any condition of a NA NSR
18 permit issued by the Agency pursuant to rules and regulations
19 adopted under subsection (c) of Section 9.1 of this Act, the
20 decision of the Board shall be based exclusively on the record
21 before the Agency including the record of the hearing, if any,
22 unless the parties agree to supplement the record. The Board
23 shall, if it finds the Agency is in error, make a final
24 determination as to the substantive limitations of the permit
25 including a final determination of Lowest Achievable Emission
26 Rate.

1 (e)(1) If the Agency grants or denies a permit under
2 subsection (b) of Section 39 of this Act, a third party, other
3 than the permit applicant or Agency, may petition the Board
4 within 35 days from the date of issuance of the Agency's
5 decision, for a hearing to contest the decision of the Agency.

6 (2) A petitioner shall include the following within a
7 petition submitted under subdivision (1) of this subsection:

8 (A) a demonstration that the petitioner raised the
9 issues contained within the petition during the public
10 notice period or during the public hearing on the NPDES
11 permit application, if a public hearing was held; and

12 (B) a demonstration that the petitioner is so situated
13 as to be affected by the permitted facility.

14 (3) If the Board determines that the petition is not
15 duplicative or frivolous and contains a satisfactory
16 demonstration under subdivision (2) of this subsection, the
17 Board shall hear the petition (i) in accordance with the terms
18 of subsection (a) of this Section and its procedural rules
19 governing permit denial appeals and (ii) exclusively on the
20 basis of the record before the Agency. The burden of proof
21 shall be on the petitioner. The Agency and permit applicant
22 shall be named co-respondents.

23 (f) Any person who files a petition to contest the issuance
24 of a permit by the Agency shall pay a filing fee.

25 (g) If the Agency grants or denies a permit under
26 subsection (y) of Section 39, a third party, other than the

1 permit applicant or Agency, may appeal the Agency's decision as
2 provided under federal law for CCR surface impoundment permits.
3 (Source: P.A. 100-201, eff. 8-18-17; 101-171, eff. 7-30-19;
4 revised 9-12-19.)

5 Section 565. The Illinois Pesticide Act is amended by
6 changing Section 5 as follows:

7 (415 ILCS 60/5) (from Ch. 5, par. 805)

8 Sec. 5. Misbranded. ~~u~~ The term misbranded shall apply:

9 1. To any pesticide or device designated as requiring
10 registration by the Director under authority of this Act: ~~u~~

11 A. If its labeling bears any statement or graphic
12 representation relating to labeling or to the
13 ingredients which is misleading or false in any
14 particular.

15 B. If it is an imitation of, or is distributed
16 under, the name of another pesticide.

17 C. If any word, statement, or other required
18 information is not prominently placed upon the label or
19 labeled with such conspicuousness and in such terms as
20 to render it readable and understandable by the
21 ordinary person under customary conditions of purchase
22 and use.

23 2. To any pesticide: ~~u~~

24 A. If the labeling does not contain a statement of

1 the federal ~~Federal~~ use classification under which the
2 product is registered.

3 B. If the labeling accompanying it does not contain
4 directions for use which are necessary for effecting
5 the purpose for which the product is intended and any
6 precautions or requirements imposed by FIFRA which, if
7 complied with, are adequate to protect health and the
8 environment.

9 C. If the label does not bear:⁺

10 i. Name, brand or trademark under which the
11 pesticide is distributed.

12 ii. An ingredient statement on that part of the
13 immediate container which is presented or
14 customarily displayed under usual conditions of
15 purchase.

16 iii. A warning or caution statement
17 commensurate with the toxicity categories levels
18 assigned by USEPA.

19 iv. The net weight or measure of contents.

20 v. The name and address of the manufacturer,
21 registrant, or person for whom manufactured.

22 vi. The USEPA registration number assigned to
23 the pesticide as well as the USEPA number assigned
24 to the producing or manufacturing establishment in
25 which the pesticide was produced.

26 D. If the pesticide contains any substance or

1 substances highly toxic to man (as defined in the
2 USEPA) unless the label bears, in addition to other
3 label requirements:~~+~~

4 i. The skull and crossbones.

5 ii. The word "POISON" in red prominently
6 displayed on a contrasting background.

7 iii. A statement of practical treatment in
8 case of poisoning by the pesticide.

9 E. If the pesticide container does not bear a
10 registered label, is not accompanied by registered
11 labeling instructions, does not bear a label
12 registered for "experimental use only", or does not
13 bear a label showing SLN registration.

14 F. If the pesticide container is not in compliance
15 with child resistant packaging requirements as set
16 forth by the USEPA.

17 (Source: P.A. 85-177; revised 7-16-19.)

18 Section 570. The Mercury Switch Removal Act is amended by
19 changing Section 15 as follows:

20 (415 ILCS 97/15)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 15. Mercury switch collection programs.

23 (a) Within 60 days of April 24, 2006 (the effective date of
24 this Act), manufacturers of vehicles in Illinois that contain

1 mercury switches must begin to implement a mercury switch
2 collection program that facilitates the removal of mercury
3 switches from end-of-life vehicles before the vehicles are
4 flattened, crushed, shredded, or otherwise processed for
5 recycling and to collect and properly manage mercury switches
6 in accordance with the Environmental Protection Act and
7 regulations adopted thereunder. In order to ensure that the
8 mercury switches are removed and collected in a safe and
9 consistent manner, manufacturers must, to the extent
10 practicable, use the currently available end-of-life vehicle
11 recycling infrastructure. The collection program must be
12 designed to achieve capture rates of not less than (i) 35% for
13 the period of July 1, 2006~~7~~ through June 30, 2007; (ii) 50% for
14 the period of July 1, 2007~~7~~ through June 30, 2008; and (iii)
15 70% for the period of July 1, 2008~~7~~ through June 30, 2009 and
16 for each subsequent period of July 1 through June 30. At a
17 minimum, the collection program must:

18 (1) Develop and provide educational materials that
19 include guidance as to which vehicles may contain mercury
20 switches and procedures for locating and removing mercury
21 switches. The materials may include, but are not limited
22 to, brochures, fact sheets, and videos.

23 (2) Conduct outreach activities to encourage vehicle
24 recyclers and vehicle crushers to participate in the
25 mercury switch collection program. The activities may
26 include, but are not limited to, direct mailings,

1 workshops, and site visits.

2 (3) Provide storage containers to participating
3 vehicle recyclers and vehicle crushers for mercury
4 switches removed under the program.

5 (4) Provide a collection and transportation system to
6 periodically collect and replace filled storage containers
7 from vehicle recyclers, vehicle crushers, and scrap metal
8 recyclers, either upon notification that a storage
9 container is full or on a schedule predetermined by the
10 manufacturers.

11 (5) Establish an entity that will serve as a point of
12 contact for the collection program and that will establish,
13 implement, and oversee the collection program on behalf of
14 the manufacturers.

15 (6) Track participation in the collection program and
16 the progress of mercury switch removals and collections.

17 (b) Within 90 days of April 24, 2006 (the effective date of
18 this Act), manufacturers of vehicles in Illinois that contain
19 mercury switches must submit to the Agency an implementation
20 plan that describes how the collection program under subsection
21 (a) of this Section will be carried out for the duration of the
22 program and how the program will achieve the capture rates set
23 forth in subsection (a) of this Section. At a minimum, the
24 implementation plan must:

25 (A) Identify the educational materials that will
26 assist vehicle recyclers, vehicle crushers, and scrap

1 metal processors in identifying, removing, and properly
2 managing mercury switches removed from end-of-life
3 vehicles.

4 (B) Describe the outreach program that will be
5 undertaken to encourage vehicle recyclers and vehicle
6 crushers to participate in the mercury switch collection
7 program.

8 (C) Describe how the manufacturers will ensure that
9 mercury switches removed from end-of-life vehicles are
10 managed in accordance with the Illinois Environmental
11 Protection Act and regulations adopted thereunder.

12 (D) Describe how the manufacturers will collect and
13 document the information required in the quarterly reports
14 submitted pursuant to subsection (e) of this Section.

15 (E) Describe how the collection program will be
16 financed and implemented.

17 (F) Identify the manufacturer's address to which the
18 Agency should send the notice required under subsection (f)
19 of this Section.

20 The Agency shall review the collection program plans it
21 receives for completeness and shall notify the manufacturer in
22 writing if a plan is incomplete. Within 30 days after receiving
23 a notification of incompleteness from the Agency, the
24 manufacturer shall submit to the Agency a plan that contains
25 all of the required information.

26 (c) The Agency must provide assistance to manufacturers in

1 their implementation of the collection program required under
2 this Section. The assistance shall include providing
3 manufacturers with information about businesses likely to be
4 engaged in vehicle recycling or vehicle crushing, conducting
5 site visits to promote participation in the collection program,
6 and assisting with the scheduling, locating, and staffing of
7 workshops conducted to encourage vehicle recyclers and vehicle
8 crushers to participate in the collection program.

9 (d) Manufacturers subject to the collection program
10 requirements of this Section shall provide, to the extent
11 practicable, the opportunity for trade associations of vehicle
12 recyclers, vehicle crushers, and scrap metal recyclers to be
13 involved in the delivery and dissemination of educational
14 materials regarding the identification, removal, collection,
15 and proper management of mercury switches in end-of-life
16 vehicles.

17 (e) (Blank).

18 (f) If the reports required under this Act indicate that
19 the capture rates set forth in subsection (a) of this Section
20 for the period of July 1, 2007~~7~~ through June 30, 2008~~7~~ or for
21 any subsequent period have not been met, the Agency shall
22 provide notice that the capture rate was not met; provided,
23 however, that the Agency is not required to provide notice if
24 it determines that the capture rate was not met due to a force
25 majeure. The Agency shall provide the notice by posting a
26 statement on its website and by sending a written notice via

1 certified mail to the manufacturers subject to the collection
2 program requirement of this Section at the addresses provided
3 in the manufacturers' collection plans. Once the Agency
4 provides notice pursuant to this subsection (f), it is not
5 required to provide notice in subsequent periods in which the
6 capture rate is not met.

7 (g) Beginning 30 days after the Agency first provides
8 notice pursuant to subsection (f) of this Section, the
9 following shall apply:

10 (1) Vehicle recyclers must remove all mercury switches
11 from each end-of-life vehicle before delivering the
12 vehicle to an on-site or off-site vehicle crusher or to a
13 scrap metal recycler, provided that a vehicle recycler is
14 not required to remove a mercury switch that is
15 inaccessible due to significant damage to the vehicle in
16 the area surrounding the mercury switch that occurred
17 before the vehicle recycler's receipt of the vehicle in
18 which case the damage must be noted in the records the
19 vehicle recycler is required to maintain under subsection
20 (c) of Section 10 of this Act.

21 (2) No vehicle recycler, vehicle crusher, or scrap
22 metal recycler shall flatten, crush, or otherwise process
23 an end-of-life vehicle for recycling unless all mercury
24 switches have been removed from the vehicle, provided that
25 a mercury switch that is inaccessible due to significant
26 damage to the vehicle in the area surrounding the mercury

1 switch that occurred before the vehicle recycler's,
2 vehicle crusher's, or scrap metal recycler's receipt of the
3 vehicle is not required to be removed. The damage must be
4 noted in the records the vehicle recycler or vehicle
5 crusher is required to maintain under subsection (c) of
6 Section 10 of this Act.

7 (3) Notwithstanding paragraphs (1) through (2) of this
8 subsection (g), a scrap metal recycler may agree to accept
9 an end-of-life vehicle that contains one or more mercury
10 switches and that has not been flattened, crushed,
11 shredded, or otherwise processed for recycling provided
12 the scrap metal recycler removes all mercury switches from
13 the vehicle before the vehicle is flattened, crushed,
14 shredded, or otherwise processed for recycling. Scrap
15 metal recyclers are not required to remove a mercury switch
16 that is inaccessible due to significant damage to the
17 vehicle in the area surrounding the mercury switch that
18 occurred before the scrap metal recycler's receipt of the
19 vehicle. The damage must be noted in the records the scrap
20 metal recycler is required to maintain under subsection (c)
21 of Section 10 of this Act.

22 (4) Manufacturers subject to the collection program
23 requirements of this Section must provide to vehicle
24 recyclers, vehicle crushers, and scrap metal recyclers the
25 following compensation for all mercury switches removed
26 from end-of-life vehicles on or after the date of the

1 notice: \$2.00 for each mercury switch removed by the
2 vehicle recycler, vehicle crusher, or the scrap metal
3 recycler, the costs of the containers in which the mercury
4 switches are collected, and the costs of packaging and
5 transporting the mercury switches off-site. Payment of
6 this compensation must be provided in a prompt manner.

7 (h) In meeting the requirements of this Section,
8 manufacturers may work individually or as part of a group of 2
9 or more manufacturers.

10 (Source: P.A. 101-81, eff. 7-12-19; revised 9-12-19.)

11 Section 575. The Fire Investigation Act is amended by
12 changing Section 13.1 as follows:

13 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

14 Sec. 13.1. Fire Prevention Fund.

15 (a) There shall be a special fund in the State Treasury
16 known as the Fire Prevention Fund.

17 (b) The following moneys shall be deposited into the Fund:

18 (1) Moneys received by the Department of Insurance
19 under Section 12 of this Act.

20 (2) All fees and reimbursements received by the Office.

21 (3) All receipts from boiler and pressure vessel
22 certification, as provided in Section 13 of the Boiler and
23 Pressure Vessel Safety Act.

24 (4) Such other moneys as may be provided by law.

1 (c) The moneys in the Fire Prevention Fund shall be used,
2 subject to appropriation, for the following purposes:

3 (1) Of the moneys deposited into the fund under Section
4 12 of this Act, 12.5% shall be available for the
5 maintenance of the Illinois Fire Service Institute and the
6 expenses, facilities, and structures incident thereto, and
7 for making transfers into the General Obligation Bond
8 Retirement and Interest Fund for debt service requirements
9 on bonds issued by the State of Illinois after January 1,
10 1986 for the purpose of constructing a training facility
11 for use by the Institute. An additional 2.5% of the moneys
12 deposited into the Fire Prevention Fund shall be available
13 to the Illinois Fire Service Institute for support of the
14 Cornerstone Training Program.

15 (2) Of the moneys deposited into the Fund under Section
16 12 of this Act, 10% shall be available for the maintenance
17 of the Chicago Fire Department Training Program and the
18 expenses, facilities, and structures incident thereto, in
19 addition to any moneys payable from the Fund to the City of
20 Chicago pursuant to the Illinois Fire Protection Training
21 Act.

22 (3) For making payments to local governmental agencies
23 and individuals pursuant to Section 10 of the Illinois Fire
24 Protection Training Act.

25 (4) For the maintenance and operation of the Office of
26 the State Fire Marshal, and the expenses incident thereto.

1 (4.5) For the maintenance, operation, and capital
2 expenses of the Mutual Aid Box Alarm System (MABAS).

3 (4.6) For grants awarded by the Small Fire-fighting and
4 Ambulance Service Equipment Grant Program established by
5 Section 2.7 of the State Fire Marshal Act.

6 (5) For any other purpose authorized by law.

7 (c-5) As soon as possible after April 8, 2008 (the
8 effective date of Public Act 95-717),l the Comptroller shall
9 order the transfer and the Treasurer shall transfer \$2,000,000
10 from the Fire Prevention Fund to the Fire Service and Small
11 Equipment Fund, \$9,000,000 from the Fire Prevention Fund to the
12 Fire Truck Revolving Loan Fund, and \$4,000,000 from the Fire
13 Prevention Fund to the Ambulance Revolving Loan Fund. Beginning
14 on July 1, 2008, each month, or as soon as practical
15 thereafter, an amount equal to \$2 from each fine received shall
16 be transferred from the Fire Prevention Fund to the Fire
17 Service and Small Equipment Fund, an amount equal to \$1.50 from
18 each fine received shall be transferred from the Fire
19 Prevention Fund to the Fire Truck Revolving Loan Fund, and an
20 amount equal to \$4 from each fine received shall be transferred
21 from the Fire Prevention Fund to the Ambulance Revolving Loan
22 Fund. These moneys shall be transferred from the moneys
23 deposited into the Fire Prevention Fund pursuant to Public Act
24 95-154, together with not more than 25% of any unspent
25 appropriations from the prior fiscal year. These moneys may be
26 allocated to the Fire Truck Revolving Loan Fund, Ambulance

1 Revolving Loan Fund, and Fire Service and Small Equipment Fund
2 at the discretion of the Office for the purpose of
3 implementation of this Act.

4 (d) Any portion of the Fire Prevention Fund remaining
5 unexpended at the end of any fiscal year which is not needed
6 for the maintenance and expenses of the Office or the
7 maintenance and expenses of the Illinois Fire Service
8 Institute~~7~~ shall remain in the Fire Prevention Fund for the
9 exclusive and restricted uses provided in subsections (c) and
10 (c-5) of this Section.

11 (e) The Office shall keep on file an itemized statement of
12 all expenses incurred which are payable from the Fund, other
13 than expenses incurred by the Illinois Fire Service Institute,
14 and shall approve all vouchers issued therefor before they are
15 submitted to the State Comptroller for payment. Such vouchers
16 shall be allowed and paid in the same manner as other claims
17 against the State.

18 (Source: P.A. 101-82, eff. 1-1-20; revised 9-12-19.)

19 Section 580. The Firearm Dealer License Certification Act
20 is amended by changing Sections 5-1 and 5-5 as follows:

21 (430 ILCS 68/5-1)

22 Sec. 5-1. Short title. This Article 5 ~~±~~ may be cited as
23 the Firearm Dealer License Certification Act. References in
24 this Article to "this Act" mean this Article.

1 (Source: P.A. 100-1178, eff. 1-18-19; revised 7-16-19.)

2 (430 ILCS 68/5-5)

3 Sec. 5-5. Definitions. In this Act:

4 "Certified licensee" means a licensee that has previously
5 certified its license with the Department under this Act.

6 "Department" means the Department of State Police.

7 "Director" means the Director of State Police.

8 "Entity" means any person, firm, corporation, group of
9 individuals, or other legal entity.

10 "Inventory" means firearms in the possession of an
11 individual or entity for the purpose of sale or transfer.

12 "License" means a Federal Firearms License authorizing a
13 person or entity to engage in the business of dealing firearms.

14 "Licensee" means a person, firm, corporation, or other
15 entity who has been given, and is currently in possession of, a
16 valid Federal Firearms License.

17 "Retail location" means a store open to the public from
18 which a certified licensee engages in the business of selling,
19 transferring, or facilitating a sale or transfer of a firearm.
20 For purposes of this Act, the World Shooting and Recreational
21 Complex, a gun show, or a similar event at which a certified
22 licensee engages in business from time to time is not a retail
23 location.

24 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19;
25 revised 9-12-19.)

1 Section 585. The Illinois Highway Code is amended by
2 changing Section 6-115 as follows:

3 (605 ILCS 5/6-115) (from Ch. 121, par. 6-115)

4 Sec. 6-115. (a) Except as provided in Section 10-20 of the
5 Township Code or subsection (b), no person shall be eligible to
6 the office of highway commissioner unless he shall be a legal
7 voter and has been one year a resident of the district. In road
8 districts that elect a clerk, the same limitation shall apply
9 to the district clerk.

10 (b) A board of trustees may (i) appoint a non-resident or a
11 resident that has not resided in the district for one year to
12 be a highway commissioner, or (ii) contract with a neighboring
13 township to provide highway commissioner services if:

14 (1) the district is within a township with no
15 incorporated town;

16 (2) the township has ~~is~~ a population of less than 500;
17 and

18 (3) no qualified candidate who has resided in the
19 township for at least one year is willing to serve as
20 highway commissioner.

21 (Source: P.A. 101-197, eff. 1-1-20; revised 9-12-19.)

22 Section 590. The Illinois Vehicle Code is amended by
23 changing Sections 2-111, 3-421, 3-609, 3-699.14, 3-704, 3-802,

1 3-806.3, 6-106, 11-501.9, 11-502.1, 11-1412.3, and 12-610.2
2 and by setting forth and renumbering multiple versions of
3 Section 3-699.17 as follows:

4 (625 ILCS 5/2-111) (from Ch. 95 1/2, par. 2-111)

5 Sec. 2-111. Seizure or confiscation of documents and
6 plates.

7 (a) The Secretary of State or any law enforcement entity is
8 authorized to take possession of any certificate of title,
9 registration card, permit, license, registration plate or
10 digital registration plate, plates, disability license plate
11 or parking decal or device, or registration sticker or digital
12 registration sticker issued by the Secretary ~~or her~~ upon
13 expiration, revocation, cancellation, or suspension thereof,
14 or which is fictitious, or which has been unlawfully or
15 erroneously issued. Police officers who have seized such items
16 shall return the items to the Secretary of State in a manner
17 and form set forth by the Secretary in administrative rule to
18 take possession of such item or items.

19 (b) The Secretary of State is authorized to confiscate any
20 suspected fraudulent, fictitious, or altered documents
21 submitted by an applicant in support of an application for a
22 driver's license or permit.

23 (Source: P.A. 101-185, eff. 1-1-20; 101-395, eff. 8-16-19;
24 revised 9-24-19.)

1 (625 ILCS 5/3-421) (from Ch. 95 1/2, par. 3-421)

2 (Text of Section before amendment by P.A. 101-611)

3 Sec. 3-421. Right of reassignment.

4 (a) Every natural person shall have the right of
5 reassignment of the license number issued to him during the
6 current registration plate or digital registration plate term,
7 for the ensuing registration plate or digital registration
8 plate term, provided his or her application for reassignment is
9 received in the Office of the Secretary of State on or before
10 September 30 of the final year of the registration plate or
11 digital registration plate term as to a vehicle registered on a
12 calendar year, and on or before March 31 as to a vehicle
13 registered on a fiscal year. The right of reassignment shall
14 apply to every natural person under the staggered registration
15 system provided the application for reassignment is received in
16 the Office of the Secretary of State by the 1st day of the
17 month immediately preceding the applicant's month of
18 expiration.

19 In addition, every natural person shall have the right of
20 reassignment of the license number issued to him for a two-year
21 registration, for the ensuing two-year period. Where the
22 two-year period is for two calendar years, the application for
23 reassignment must be received by the Secretary of State on or
24 before September 30th of the year preceding commencement of the
25 two-year period. Where the two-year period is for two fiscal
26 years commencing on July 1, the application for reassignment

1 must be received by the Secretary of State on or before April
2 30th immediately preceding commencement of the two-year
3 period.

4 (b) Notwithstanding the above provision, the Secretary of
5 State shall, subject to the existing right of reassignment,
6 have the authority to designate new specific combinations of
7 numerical, alpha-numerical, and numerical-alpha licenses for
8 vehicles registered on a calendar year or on a fiscal year,
9 whether the license be issued for one or more years. The new
10 combinations so specified shall not be subject to the right of
11 reassignment, and no right of reassignment thereto may at any
12 future time be acquired.

13 (Source: P.A. 101-395, eff. 8-16-19.)

14 (Text of Section after amendment by P.A. 101-611)

15 Sec. 3-421. Right of reassignment.

16 (a) Every natural person shall have the right of
17 reassignment of the license number issued to him during the
18 current registration plate or digital registration plate term,
19 for the ensuing registration plate or digital registration
20 plate term, provided his or her application for reassignment is
21 received in the Office of the Secretary of State on or before
22 September 30 of the final year of the registration plate or
23 digital registration plate term as to a vehicle registered on a
24 calendar year, and on or before March 31 as to a vehicle
25 registered on a fiscal year. The right of reassignment shall

1 apply to every natural person under the staggered registration
2 system provided the application for reassignment is received in
3 the Office of the Secretary of State by the 1st day of the
4 month immediately preceding the applicant's month of
5 expiration.

6 In addition, every natural person shall have the right of
7 reassignment of the license number issued to him for a two-year
8 registration, for the ensuing two-year period. Where the
9 two-year period is for two calendar years, the application for
10 reassignment must be received by the Secretary of State on or
11 before September 30th of the year preceding commencement of the
12 two-year period. Where the two-year period is for two fiscal
13 years commencing on July 1, the application for reassignment
14 must be received by the Secretary of State on or before April
15 30th immediately preceding commencement of the two-year
16 period.

17 (b) Notwithstanding the above provision, the Secretary of
18 State shall, subject to the existing right of reassignment,
19 have the authority to designate new specific combinations of
20 numerical, alpha-numerical, and numerical-alpha licenses for
21 vehicles registered on a calendar year or on a fiscal year,
22 whether the license be issued for one or more years. The new
23 combinations so specified shall not be subject to the right of
24 reassignment, and no right of reassignment thereto may at any
25 future time be acquired.

26 (c) If a person has a registration plate in his or her name

1 and seeks to reassign the registration plate to his or her
2 spouse, the Secretary shall waive any transfer fee or vanity or
3 personalized registration plate fee upon both spouses signing a
4 form authorizing the reassignment of registration.

5 (c-1) If a person who ~~that~~ has a registration plate in his
6 or her name seeks to reassign the registration plate to his or
7 her child, the Secretary shall waive any transfer fee or vanity
8 or personalized registration plate fee.

9 (Source: P.A. 101-395, eff. 8-16-19; 101-611, eff. 6-1-20;
10 revised 1-7-20.)

11 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

12 Sec. 3-609. Plates for veterans with disabilities.

13 (a) Any veteran who holds proof of a service-connected
14 disability from the United States Department of Veterans
15 Affairs, and who has obtained certification from a licensed
16 physician, physician assistant, or advanced practice
17 registered nurse that the service-connected disability
18 qualifies the veteran for issuance of registration plates or
19 digital registration plates or decals to a person with
20 disabilities in accordance with Section 3-616, may, without the
21 payment of any registration fee, make application to the
22 Secretary of State for license plates for veterans with
23 disabilities displaying the international symbol of access,
24 for the registration of one motor vehicle of the first
25 division, one motorcycle, or one motor vehicle of the second

1 division weighing not more than 8,000 pounds.

2 (b) Any veteran who holds proof of a service-connected
3 disability from the United States Department of Veterans
4 Affairs, and whose degree of disability has been declared to be
5 50% or more, but whose disability does not qualify the veteran
6 for a plate or decal for persons with disabilities under
7 Section 3-616, may, without the payment of any registration
8 fee, make application to the Secretary for a special
9 registration plate or digital registration plate without the
10 international symbol of access for the registration of one
11 motor vehicle of the first division, one motorcycle, or one
12 motor vehicle of the second division weighing not more than
13 8,000 pounds.

14 (c) Renewal of such registration must be accompanied with
15 documentation for eligibility of registration without fee
16 unless the applicant has a permanent qualifying disability, and
17 such registration plates or digital registration plates may not
18 be issued to any person not eligible therefor. The Illinois
19 Department of Veterans' Affairs may assist in providing the
20 documentation of disability.

21 (d) The design and color of the plates shall be within the
22 discretion of the Secretary, except that the plates issued
23 under subsection (b) of this Section shall not contain the
24 international symbol of access. The Secretary may, in his or
25 her discretion, allow the plates to be issued as vanity or
26 personalized plates in accordance with Section 3-405.1 of this

1 Code. Registration shall be for a multi-year period and may be
2 issued staggered registration.

3 (e) Any person eligible to receive license plates under
4 this Section who has been approved for benefits under the
5 Senior Citizens and Persons with Disabilities Property Tax
6 Relief Act, or who has claimed and received a grant under that
7 Act, shall pay a fee of \$24 instead of the fee otherwise
8 provided in this Code for passenger cars displaying standard
9 multi-year registration plates or digital registration plates
10 issued under Section 3-414.1, for motor vehicles registered at
11 8,000 pounds or less under Section 3-815(a), or for
12 recreational vehicles registered at 8,000 pounds or less under
13 Section 3-815(b), for a second set of plates under this
14 Section.

15 (Source: P.A. 100-513, eff. 1-1-18; 101-395, eff. 8-16-19;
16 101-536, eff. 1-1-20; revised 9-24-19.)

17 (625 ILCS 5/3-699.14)

18 Sec. 3-699.14. Universal special license plates.

19 (a) In addition to any other special license plate, the
20 Secretary, upon receipt of all applicable fees and applications
21 made in the form prescribed by the Secretary, may issue
22 Universal special license plates to residents of Illinois on
23 behalf of organizations that have been authorized by the
24 General Assembly to issue decals for Universal special license
25 plates. Appropriate documentation, as determined by the

1 Secretary, shall accompany each application. Authorized
2 organizations shall be designated by amendment to this Section.
3 When applying for a Universal special license plate the
4 applicant shall inform the Secretary of the name of the
5 authorized organization from which the applicant will obtain a
6 decal to place on the plate. The Secretary shall make a record
7 of that organization and that organization shall remain
8 affiliated with that plate until the plate is surrendered,
9 revoked, or otherwise cancelled. The authorized organization
10 may charge a fee to offset the cost of producing and
11 distributing the decal, but that fee shall be retained by the
12 authorized organization and shall be separate and distinct from
13 any registration fees charged by the Secretary. No decal,
14 sticker, or other material may be affixed to a Universal
15 special license plate other than a decal authorized by the
16 General Assembly in this Section or a registration renewal
17 sticker. The special plates issued under this Section shall be
18 affixed only to passenger vehicles of the first division,
19 including motorcycles and autocycles, or motor vehicles of the
20 second division weighing not more than 8,000 pounds. Plates
21 issued under this Section shall expire according to the
22 multi-year procedure under Section 3-414.1 of this Code.

23 (b) The design, color, and format of the Universal special
24 license plate shall be wholly within the discretion of the
25 Secretary. Universal special license plates are not required to
26 designate "Land of Lincoln", as prescribed in subsection (b) of

1 Section 3-412 of this Code. The design shall allow for the
2 application of a decal to the plate. Organizations authorized
3 by the General Assembly to issue decals for Universal special
4 license plates shall comply with rules adopted by the Secretary
5 governing the requirements for and approval of Universal
6 special license plate decals. The Secretary may, in his or her
7 discretion, allow Universal special license plates to be issued
8 as vanity or personalized plates in accordance with Section
9 3-405.1 of this Code. The Secretary of State must make a
10 version of the special registration plates authorized under
11 this Section in a form appropriate for motorcycles and
12 autocycles.

13 (c) When authorizing a Universal special license plate, the
14 General Assembly shall set forth whether an additional fee is
15 to be charged for the plate and, if a fee is to be charged, the
16 amount of the fee and how the fee is to be distributed. When
17 necessary, the authorizing language shall create a special fund
18 in the State treasury into which fees may be deposited for an
19 authorized Universal special license plate. Additional fees
20 may only be charged if the fee is to be paid over to a State
21 agency or to a charitable entity that is in compliance with the
22 registration and reporting requirements of the Charitable
23 Trust Act and the Solicitation for Charity Act. Any charitable
24 entity receiving fees for the sale of Universal special license
25 plates shall annually provide the Secretary of State a letter
26 of compliance issued by the Attorney General verifying that the

1 entity is in compliance with the Charitable Trust Act and the
2 Solicitation for Charity Act.

3 (d) Upon original issuance and for each registration
4 renewal period, in addition to the appropriate registration
5 fee, if applicable, the Secretary shall collect any additional
6 fees, if required, for issuance of Universal special license
7 plates. The fees shall be collected on behalf of the
8 organization designated by the applicant when applying for the
9 plate. All fees collected shall be transferred to the State
10 agency on whose behalf the fees were collected, or paid into
11 the special fund designated in the law authorizing the
12 organization to issue decals for Universal special license
13 plates. All money in the designated fund shall be distributed
14 by the Secretary subject to appropriation by the General
15 Assembly.

16 (e) The following organizations may issue decals for
17 Universal special license plates with the original and renewal
18 fees and fee distribution as follows:

19 (1) The Illinois Department of Natural Resources.

20 (A) Original issuance: \$25; with \$10 to the
21 Roadside Monarch Habitat Fund and \$15 to the Secretary
22 of State Special License Plate Fund.

23 (B) Renewal: \$25; with \$23 to the Roadside Monarch
24 Habitat Fund and \$2 to the Secretary of State Special
25 License Plate Fund.

26 (2) Illinois Veterans' Homes.

1 (A) Original issuance: \$26, which shall be
2 deposited into the Illinois Veterans' Homes Fund.

3 (B) Renewal: \$26, which shall be deposited into the
4 Illinois Veterans' Homes Fund.

5 (3) The Illinois Department of Human Services for
6 volunteerism decals.

7 (A) Original issuance: \$25, which shall be
8 deposited into the Secretary of State Special License
9 Plate Fund.

10 (B) Renewal: \$25, which shall be deposited into the
11 Secretary of State Special License Plate Fund.

12 (4) The Illinois Department of Public Health.

13 (A) Original issuance: \$25; with \$10 to the
14 Prostate Cancer Awareness Fund and \$15 to the Secretary
15 of State Special License Plate Fund.

16 (B) Renewal: \$25; with \$23 to the Prostate Cancer
17 Awareness Fund and \$2 to the Secretary of State Special
18 License Plate Fund.

19 (5) Horsemen's Council of Illinois.

20 (A) Original issuance: \$25; with \$10 to the
21 Horsemen's Council of Illinois Fund and \$15 to the
22 Secretary of State Special License Plate Fund.

23 (B) Renewal: \$25; with \$23 to the Horsemen's
24 Council of Illinois Fund and \$2 to the Secretary of
25 State Special License Plate Fund.

26 (6) K9s for Veterans, NFP.

1 (A) Original issuance: \$25; with \$10 to the
2 Post-Traumatic Stress Disorder Awareness Fund and \$15
3 to the Secretary of State Special License Plate Fund.

4 (B) Renewal: \$25; with \$23 to the Post-Traumatic
5 Stress Disorder Awareness Fund and \$2 to the Secretary
6 of State Special License Plate Fund.

7 (7) ~~(6)~~ The International Association of Machinists
8 and Aerospace Workers.

9 (A) Original issuance: \$35; with \$20 to the Guide
10 Dogs of America Fund and \$15 to the Secretary of State
11 Special License Plate Fund.

12 (B) Renewal: \$25; with \$23 going to the Guide Dogs
13 of America Fund and \$2 to the Secretary of State
14 Special License Plate Fund.

15 (8) ~~(7)~~ Local Lodge 701 of the International
16 Association of Machinists and Aerospace Workers.

17 (A) Original issuance: \$35; with \$10 to the Guide
18 Dogs of America Fund, \$10 to the Mechanics Training
19 Fund, and \$15 to the Secretary of State Special License
20 Plate Fund.

21 (B) Renewal: \$30; with \$13 to the Guide Dogs of
22 America Fund, \$15 to the Mechanics Training Fund, and
23 \$2 to the Secretary of State Special License Plate
24 Fund.

25 (9) ~~(6)~~ Illinois Department of Human Services.

26 (A) Original issuance: \$25; with \$10 to the Theresa

1 Tracy Trot - Illinois CancerCare Foundation Fund and
2 \$15 to the Secretary of State Special License Plate
3 Fund.

4 (B) Renewal: \$25; with \$23 to the Theresa Tracy
5 Trot - Illinois CancerCare Foundation Fund and \$2 to
6 the Secretary of State Special License Plate Fund.

7 (10) ~~(6)~~ The Illinois Department of Human Services for
8 developmental disabilities awareness decals.

9 (A) Original issuance: \$25; with \$10 to the
10 Developmental Disabilities Awareness Fund and \$15 to
11 the Secretary of State Special License Plate Fund.

12 (B) Renewal: \$25; with \$23 to the Developmental
13 Disabilities Awareness Fund and \$2 to the Secretary of
14 State Special License Plate Fund.

15 (11) ~~(6)~~ The Illinois Department of Human Services for
16 pediatric cancer awareness decals.

17 (A) Original issuance: \$25; with \$10 to the
18 Pediatric Cancer Awareness Fund and \$15 to the
19 Secretary of State Special License Plate Fund.

20 (B) Renewal: \$25; with \$23 to the Pediatric Cancer
21 Awareness Fund and \$2 to the Secretary of State Special
22 License Plate Fund.

23 (f) The following funds are created as special funds in the
24 State treasury:

25 (1) The Roadside Monarch Habitat Fund. All moneys to be
26 paid as grants to the Illinois Department of Natural

1 Resources to fund roadside monarch and other pollinator
2 habitat development, enhancement, and restoration projects
3 in this State.

4 (2) The Prostate Cancer Awareness Fund. All moneys to
5 be paid as grants to the Prostate Cancer Foundation of
6 Chicago.

7 (3) The Horsemen's Council of Illinois Fund. All moneys
8 shall be paid as grants to the Horsemen's Council of
9 Illinois.

10 (4) The Post-Traumatic Stress Disorder Awareness Fund.
11 All money in the Post-Traumatic Stress Disorder Awareness
12 Fund shall be paid as grants to K9s for Veterans, NFP for
13 support, education, and awareness of veterans with
14 post-traumatic stress disorder.

15 (5) ~~(4)~~ The Guide Dogs of America Fund. All moneys
16 shall be paid as grants to the International Guiding Eyes,
17 Inc., doing business as Guide Dogs of America.

18 (6) ~~(5)~~ The Mechanics Training Fund. All moneys shall
19 be paid as grants to the Mechanics Local 701 Training Fund.

20 (7) ~~(4)~~ The Theresa Tracy Trot - Illinois CancerCare
21 Foundation Fund. All money in the Theresa Tracy Trot -
22 Illinois CancerCare Foundation Fund shall be paid to the
23 Illinois CancerCare Foundation for the purpose of
24 furthering pancreatic cancer research.

25 (8) ~~(4)~~ The Developmental Disabilities Awareness Fund.
26 All moneys to be paid as grants to the Illinois Department

1 of Human Services to fund legal aid groups to assist with
2 guardianship fees for private citizens willing to become
3 guardians for individuals with developmental disabilities
4 but who are unable to pay the legal fees associated with
5 becoming a guardian.

6 (9) ~~(4)~~ The Pediatric Cancer Awareness Fund. All moneys
7 to be paid as grants to the Cancer Center at Illinois for
8 pediatric cancer treatment and research.

9 (Source: P.A. 100-57, eff. 1-1-18; 100-60, eff. 1-1-18; 100-78,
10 eff. 1-1-18; 100-201, eff. 8-18-17; 100-863, eff. 8-14-18;
11 101-248, eff. 1-1-20; 101-256, eff. 1-1-20; 101-276, eff.
12 8-9-19; 101-282, eff. 1-1-20; 101-372, eff. 1-1-20; revised
13 9-24-19.)

14 (625 ILCS 5/3-699.17)

15 Sec. 3-699.17. Global War on Terrorism license plates.

16 (a) In addition to any other special license plate, the
17 Secretary, upon receipt of all applicable fees and applications
18 made in the form prescribed by the Secretary, may issue Global
19 War on Terrorism license plates to residents of this State who
20 have earned the Global War on Terrorism Expeditionary Medal
21 from the United States Armed Forces. The special Global War on
22 Terrorism plates issued under this Section shall be affixed
23 only to passenger vehicles of the first division, including
24 motorcycles, or motor vehicles of the second division weighing
25 not more than 8,000 pounds. Plates issued under this Section

1 shall expire according to the multi-year procedure under
2 Section 3-414.1 of this Code.

3 (b) The design, color, and format of the Global War on
4 Terrorism license plate shall be wholly within the discretion
5 of the Secretary. The Secretary may, in his or her discretion,
6 allow the Global War on Terrorism license plates to be issued
7 as vanity or personalized plates in accordance with Section
8 3-405.1 of this Code. Global War on Terrorism license plates
9 are not required to designate "Land of Lincoln", as prescribed
10 in subsection (b) of Section 3-412 of this Code. The Secretary
11 shall, in his or her discretion, approve and prescribe stickers
12 or decals as provided under Section 3-412.

13 (Source: P.A. 101-51, eff. 7-12-19.)

14 (625 ILCS 5/3-699.18)

15 Sec. 3-699.18 ~~3-699.17~~. Cold War license plates.

16 (a) In addition to any other special license plate, the
17 Secretary, upon receipt of all applicable fees and applications
18 made in the form prescribed by the Secretary of State, may
19 issue Cold War license plates to residents of Illinois who
20 served in the United States Armed Forces between August 15,
21 1945 and January 1, 1992. The special Cold War plates issued
22 under this Section shall be affixed only to passenger vehicles
23 of the first division, motorcycles, and motor vehicles of the
24 second division weighing not more than 8,000 pounds. Plates
25 issued under this Section shall expire according to the

1 staggered multi-year procedure established by Section 3-414.1
2 of this Code.

3 (b) The design, color, and format of the plates shall be
4 wholly within the discretion of the Secretary of State. The
5 Secretary may, in his or her discretion, allow the plates to be
6 issued as vanity plates or personalized in accordance with
7 Section 3-405.1 of this Code. The plates are not required to
8 designate "Land of Lincoln", as prescribed in subsection (b) of
9 Section 3-412 of this Code. The Secretary shall, in his or her
10 discretion, approve and prescribe stickers or decals as
11 provided under Section 3-412.

12 (Source: P.A. 101-245, eff. 1-1-20; revised 10-23-19.)

13 (625 ILCS 5/3-699.21)

14 Sec. 3-699.21 ~~3-699.17~~. United Nations Protection Force
15 license plates.

16 (a) In addition to any other special license plate, the
17 Secretary, upon receipt of all applicable fees and applications
18 made in the form prescribed by the Secretary of State, may
19 issue United Nations Protection Force license plates to
20 residents of this State who served in the United Nations
21 Protection Force in Yugoslavia. The special United Nations
22 Protection Force plate issued under this Section shall be
23 affixed only to passenger vehicles of the first division and
24 motor vehicles of the second division weighing not more than
25 8,000 pounds. Plates issued under this Section shall expire

1 according to the staggered multi-year procedure established by
2 Section 3-414.1 of this Code.

3 (b) The design, color, and format of the plates shall be
4 wholly within the discretion of the Secretary of State. The
5 Secretary may, in his or her discretion, allow the plates to be
6 issued as vanity plates or personalized in accordance with
7 Section 3-405.1 of this Code. The plates are not required to
8 designate "Land of Lincoln", as prescribed in subsection (b) of
9 Section 3-412 of this Code. The Secretary shall approve and
10 prescribe stickers or decals as provided under Section 3-412.

11 (c) An applicant shall be charged a \$15 fee for original
12 issuance in addition to the applicable registration fee. This
13 additional fee shall be deposited into the Secretary of State
14 Special License Plate Fund. For each registration renewal
15 period, a \$2 fee, in addition to the appropriate registration
16 fee, shall be charged and shall be deposited into the Secretary
17 of State Special License Plate Fund.

18 (Source: P.A. 101-247, eff. 1-1-20; revised 10-23-19.)

19 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

20 Sec. 3-704. Authority of Secretary of State to suspend or
21 revoke a registration or certificate of title; authority to
22 suspend or revoke the registration of a vehicle.

23 (a) The Secretary of State may suspend or revoke the
24 registration of a vehicle or a certificate of title,
25 registration card, registration sticker or digital

1 registration sticker, registration plate or digital
2 registration plate, disability parking decal or device, or any
3 nonresident or other permit in any of the following events:

4 1. When the Secretary of State is satisfied that such
5 registration or that such certificate, card, plate or
6 digital plate, registration sticker or digital
7 registration sticker, or permit was fraudulently or
8 erroneously issued;

9 2. When a registered vehicle has been dismantled or
10 wrecked or is not properly equipped;

11 3. When the Secretary of State determines that any
12 required fees have not been paid to the Secretary of State,
13 to the Illinois Commerce Commission, or to the Illinois
14 Department of Revenue under the Motor Fuel Tax Law, and the
15 same are not paid upon reasonable notice and demand;

16 4. When a registration card, registration plate or
17 digital registration plate, registration sticker or
18 digital registration sticker, or permit is knowingly
19 displayed upon a vehicle other than the one for which
20 issued;

21 5. When the Secretary of State determines that the
22 owner has committed any offense under this Chapter
23 involving the registration or the certificate, card, plate
24 or digital plate, registration sticker or digital
25 registration sticker, or permit to be suspended or revoked;

26 6. When the Secretary of State determines that a

1 vehicle registered not-for-hire is used or operated
2 for-hire unlawfully, or used or operated for purposes other
3 than those authorized;

4 7. When the Secretary of State determines that an owner
5 of a for-hire motor vehicle has failed to give proof of
6 financial responsibility as required by this Act;

7 8. When the Secretary determines that the vehicle is
8 not subject to or eligible for a registration;

9 9. When the Secretary determines that the owner of a
10 vehicle registered under the mileage weight tax option
11 fails to maintain the records specified by law, or fails to
12 file the reports required by law, or that such vehicle is
13 not equipped with an operable and operating speedometer or
14 odometer;

15 10. When the Secretary of State is so authorized under
16 any other provision of law;

17 11. When the Secretary of State determines that the
18 holder of a disability parking decal or device has
19 committed any offense under Chapter 11 of this Code
20 involving the use of a disability parking decal or device.

21 (a-5) The Secretary of State may revoke a certificate of
22 title and registration card and issue a corrected certificate
23 of title and registration card, at no fee to the vehicle owner
24 or lienholder, if there is proof that the vehicle
25 identification number is erroneously shown on the original
26 certificate of title.

1 (b) The Secretary of State may suspend or revoke the
2 registration of a vehicle as follows:

3 1. When the Secretary of State determines that the
4 owner of a vehicle has not paid a civil penalty or a
5 settlement agreement arising from the violation of rules
6 adopted under the Illinois Motor Carrier Safety Law or the
7 Illinois Hazardous Materials Transportation Act or that a
8 vehicle, regardless of ownership, was the subject of
9 violations of these rules that resulted in a civil penalty
10 or settlement agreement which remains unpaid.

11 2. When the Secretary of State determines that a
12 vehicle registered for a gross weight of more than 16,000
13 pounds within an affected area is not in compliance with
14 the provisions of Section 13-109.1 of this ~~the Illinois~~
15 ~~Vehicle~~ Code.

16 3. When the Secretary of State is notified by the
17 United States Department of Transportation that a vehicle
18 is in violation of the Federal Motor Carrier Safety
19 Regulations, as they are now or hereafter amended, and is
20 prohibited from operating.

21 (c) The Secretary of State may suspend the registration of
22 a vehicle when a court finds that the vehicle was used in a
23 violation of Section 24-3A of the Criminal Code of 1961 or the
24 Criminal Code of 2012 relating to gunrunning. A suspension of
25 registration under this subsection (c) may be for a period of
26 up to 90 days.

1 (d) The Secretary shall deny, suspend, or revoke
2 registration if the applicant fails to disclose material
3 information required, if the applicant has made a materially
4 false statement on the application, if the applicant has
5 applied as a subterfuge for the real party in interest who has
6 been issued a federal out-of-service order, or if the
7 applicant's business is operated by, managed by, or otherwise
8 controlled by or affiliated with a person who is ineligible for
9 registration, including the applicant entity, a relative,
10 family member, corporate officer, or shareholder. The
11 Secretary shall deny, suspend, or revoke registration for
12 either (i) a vehicle if the motor carrier responsible for the
13 safety of the vehicle has been prohibited from operating by the
14 Federal Motor Carrier Safety Administration; or (ii) a carrier
15 whose business is operated by, managed by, or otherwise
16 controlled by or affiliated with a person who is ineligible for
17 registration, which may include the owner, a relative, family
18 member, corporate officer, or shareholder of the carrier.

19 (Source: P.A. 101-185, eff. 1-1-20; 101-395, eff. 8-16-19;
20 revised 9-24-19.)

21 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

22 Sec. 3-802. Reclassifications and upgrades.

23 (a) Definitions. For the purposes of this Section, the
24 following words shall have the meanings ascribed to them as
25 follows:

1 "Reclassification" means changing the registration of
2 a vehicle from one plate category to another.

3 "Upgrade" means increasing the registered weight of a
4 vehicle within the same plate category.

5 (b) When reclassing the registration of a vehicle from one
6 plate category to another, the owner shall receive credit for
7 the unused portion of the present plate and be charged the
8 current portion fees for the new plate. In addition, the
9 appropriate replacement plate and replacement sticker fees
10 shall be assessed.

11 (b-5) Beginning with the 2019 registration year, any
12 individual who has a registration issued under either Section
13 3-405 or 3-405.1 that qualifies for a special license plate
14 under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623,
15 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
16 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680,
17 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, or 3-699.17
18 may reclass his or her registration upon acquiring a special
19 license plate listed in this subsection (b-5) without a
20 replacement plate or digital plate fee or registration sticker
21 or digital registration sticker cost.

22 (b-10) Beginning with the 2019 registration year, any
23 individual who has a special license plate issued under Section
24 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625,
25 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-664,
26 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683,

1 3-686, 3-688, 3-693, 3-698, 3-699.12, or 3-699.17 may reclass
2 his or her special license plate upon acquiring a new
3 registration under Section 3-405 or 3-405.1 without a
4 replacement plate or digital plate fee or registration sticker
5 or digital registration sticker cost.

6 (c) When upgrading the weight of a registration within the
7 same plate category, the owner shall pay the difference in
8 current period fees between the 2 ~~two~~ plates. In addition, the
9 appropriate replacement plate and replacement sticker fees
10 shall be assessed. In the event new plates are not required,
11 the corrected registration card fee shall be assessed.

12 (d) In the event the owner of the vehicle desires to change
13 the registered weight and change the plate category, the owner
14 shall receive credit for the unused portion of the registration
15 fee of the current plate and pay the current portion of the
16 registration fee for the new plate, and in addition, pay the
17 appropriate replacement plate and replacement sticker fees.

18 (e) Reclassing from one plate category to another plate
19 category can be done only once within any registration period.

20 (f) No refunds shall be made in any of the circumstances
21 found in subsection (b), subsection (c), or subsection (d);
22 however, when reclassing from a flat weight plate to an
23 apportioned plate, a refund may be issued if the credit amounts
24 to an overpayment.

25 (g) In the event the registration of a vehicle registered
26 under the mileage tax option is revoked, the owner shall be

1 required to pay the annual registration fee in the new plate
2 category and shall not receive any credit for the mileage plate
3 fees.

4 (h) Certain special interest plates may be displayed on
5 first division vehicles, second division vehicles weighing
6 8,000 pounds or less, and recreational vehicles. Those plates
7 can be transferred within those vehicle groups.

8 (i) Plates displayed on second division vehicles weighing
9 8,000 pounds or less and passenger vehicle plates may be
10 reclassified from one division to the other.

11 (j) Other than in subsection (i), reclassing from one
12 division to the other division is prohibited. In addition, a
13 reclass from a motor vehicle to a trailer or a trailer to a
14 motor vehicle is prohibited.

15 (Source: P.A. 100-246, eff. 1-1-18; 100-450, eff. 1-1-18;
16 100-863, eff. 8-14-18; 101-51, eff. 7-12-19; 101-395, eff.
17 8-16-19; revised 9-24-19.)

18 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

19 Sec. 3-806.3. Senior citizens. Commencing with the 2009
20 registration year, the registration fee paid by any vehicle
21 owner who has been approved for benefits under the Senior
22 Citizens and Persons with Disabilities Property Tax Relief Act
23 or who is the spouse of such a person shall be \$24 instead of
24 the fee otherwise provided in this Code for passenger cars
25 displaying standard multi-year registration plates or digital

1 registration plates issued under Section 3-414.1, motor
2 vehicles displaying special registration plates or digital
3 registration plates issued under Section 3-609, 3-616, 3-621,
4 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
5 3-647, 3-650, 3-651, 3-663, or 3-699.17, motor vehicles
6 registered at 8,000 pounds or less under Section 3-815(a), and
7 recreational vehicles registered at 8,000 pounds or less under
8 Section 3-815(b). Widows and widowers of claimants shall also
9 be entitled to this reduced registration fee for the
10 registration year in which the claimant was eligible.

11 Commencing with the 2009 registration year, the
12 registration fee paid by any vehicle owner who has claimed and
13 received a grant under the Senior Citizens and Persons with
14 Disabilities Property Tax Relief Act or who is the spouse of
15 such a person shall be \$24 instead of the fee otherwise
16 provided in this Code for passenger cars displaying standard
17 multi-year registration plates or digital registration plates
18 issued under Section 3-414.1, motor vehicles displaying
19 special registration plates or digital registration plates
20 issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,
21 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
22 3-651, 3-663, 3-664, or 3-699.17, motor vehicles registered at
23 8,000 pounds or less under Section 3-815(a), and recreational
24 vehicles registered at 8,000 pounds or less under Section
25 3-815(b). Widows and widowers of claimants shall also be
26 entitled to this reduced registration fee for the registration

1 year in which the claimant was eligible.

2 Commencing with the 2017 registration year, the reduced fee
3 under this Section shall apply to any special registration
4 plate or digital registration plate authorized in Article VI of
5 Chapter 3 of this Code for which the applicant would otherwise
6 be eligible.

7 Surcharges for vehicle registrations under Section 3-806
8 of this Code shall not be collected from any vehicle owner who
9 has been approved for benefits under the Senior Citizens and
10 Disabled Persons Property Tax Relief Act or a person who is the
11 spouse of such a person.

12 No more than one reduced registration fee under this
13 Section shall be allowed during any 12-month period based on
14 the primary eligibility of any individual, whether such reduced
15 registration fee is allowed to the individual or to the spouse,
16 widow or widower of such individual. This Section does not
17 apply to the fee paid in addition to the registration fee for
18 motor vehicles displaying vanity, personalized, or special
19 license plates.

20 (Source: P.A. 101-51, eff. 7-12-19; 101-395, eff. 8-16-19;
21 revised 9-24-19.)

22 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

23 Sec. 6-106. Application for license or instruction permit.

24 (a) Every application for any permit or license authorized
25 to be issued under this Code shall be made upon a form

1 furnished by the Secretary of State. Every application shall be
2 accompanied by the proper fee and payment of such fee shall
3 entitle the applicant to not more than 3 attempts to pass the
4 examination within a period of one year after the date of
5 application.

6 (b) Every application shall state the legal name, social
7 security number, zip code, date of birth, sex, and residence
8 address of the applicant; briefly describe the applicant; state
9 whether the applicant has theretofore been licensed as a
10 driver, and, if so, when and by what state or country, and
11 whether any such license has ever been cancelled, suspended,
12 revoked or refused, and, if so, the date and reason for such
13 cancellation, suspension, revocation or refusal; shall include
14 an affirmation by the applicant that all information set forth
15 is true and correct; and shall bear the applicant's signature.
16 In addition to the residence address, the Secretary may allow
17 the applicant to provide a mailing address. In the case of an
18 applicant who is a judicial officer or peace officer, the
19 Secretary may allow the applicant to provide an office or work
20 address in lieu of a residence or mailing address. The
21 application form may also require the statement of such
22 additional relevant information as the Secretary of State shall
23 deem necessary to determine the applicant's competency and
24 eligibility. The Secretary of State may, in his discretion, by
25 rule or regulation, provide that an application for a drivers
26 license or permit may include a suitable photograph of the

1 applicant in the form prescribed by the Secretary, and he may
2 further provide that each drivers license shall include a
3 photograph of the driver. The Secretary of State may utilize a
4 photograph process or system most suitable to deter alteration
5 or improper reproduction of a drivers license and to prevent
6 substitution of another photo thereon. For the purposes of this
7 subsection (b), "peace officer" means any person who by virtue
8 of his or her office or public employment is vested by law with
9 a duty to maintain public order or to make arrests for a
10 violation of any penal statute of this State, whether that duty
11 extends to all violations or is limited to specific violations.

12 (b-3) Upon the first issuance of a request for proposals
13 for a digital driver's license and identification card issuance
14 and facial recognition system issued after January 1, 2020 (the
15 effective date of Public Act 101-513) ~~this amendatory Act of~~
16 ~~the 101st General Assembly~~, and upon implementation of a new or
17 revised system procured pursuant to that request for proposals,
18 the Secretary shall permit applicants to choose between "male",
19 "female" or "non-binary" when designating the applicant's sex
20 on the driver's license application form. The sex designated by
21 the applicant shall be displayed on the driver's license issued
22 to the applicant.

23 (b-5) Every applicant for a REAL ID compliant driver's
24 license or permit shall provide proof of lawful status in the
25 United States as defined in 6 CFR 37.3, as amended. Applicants
26 who are unable to provide the Secretary with proof of lawful

1 status may apply for a driver's license or permit under Section
2 6-105.1 of this Code.

3 (c) The application form shall include a notice to the
4 applicant of the registration obligations of sex offenders
5 under the Sex Offender Registration Act. The notice shall be
6 provided in a form and manner prescribed by the Secretary of
7 State. For purposes of this subsection (c), "sex offender" has
8 the meaning ascribed to it in Section 2 of the Sex Offender
9 Registration Act.

10 (d) Any male United States citizen or immigrant who applies
11 for any permit or license authorized to be issued under this
12 Code or for a renewal of any permit or license, and who is at
13 least 18 years of age but less than 26 years of age, must be
14 registered in compliance with the requirements of the federal
15 Military Selective Service Act. The Secretary of State must
16 forward in an electronic format the necessary personal
17 information regarding the applicants identified in this
18 subsection (d) to the Selective Service System. The applicant's
19 signature on the application serves as an indication that the
20 applicant either has already registered with the Selective
21 Service System or that he is authorizing the Secretary to
22 forward to the Selective Service System the necessary
23 information for registration. The Secretary must notify the
24 applicant at the time of application that his signature
25 constitutes consent to registration with the Selective Service
26 System, if he is not already registered.

1 (e) Beginning on or before July 1, 2015, for each original
2 or renewal driver's license application under this Code, the
3 Secretary shall inquire as to whether the applicant is a
4 veteran for purposes of issuing a driver's license with a
5 veteran designation under subsection (e-5) of Section 6-110 of
6 this Code. The acceptable forms of proof shall include, but are
7 not limited to, Department of Defense form DD-214, Department
8 of Defense form DD-256 for applicants who did not receive a
9 form DD-214 upon the completion of initial basic training,
10 Department of Defense form DD-2 (Retired), an identification
11 card issued under the federal Veterans Identification Card Act
12 of 2015, or a United States Department of Veterans Affairs
13 summary of benefits letter. If the document cannot be stamped,
14 the Illinois Department of Veterans' Affairs shall provide a
15 certificate to the veteran to provide to the Secretary of
16 State. The Illinois Department of Veterans' Affairs shall
17 advise the Secretary as to what other forms of proof of a
18 person's status as a veteran are acceptable.

19 For each applicant who is issued a driver's license with a
20 veteran designation, the Secretary shall provide the
21 Department of Veterans' Affairs with the applicant's name,
22 address, date of birth, gender and such other demographic
23 information as agreed to by the Secretary and the Department.
24 The Department may take steps necessary to confirm the
25 applicant is a veteran. If after due diligence, including
26 writing to the applicant at the address provided by the

1 Secretary, the Department is unable to verify the applicant's
2 veteran status, the Department shall inform the Secretary, who
3 shall notify the applicant that the he or she must confirm
4 status as a veteran, or the driver's license will be cancelled.

5 For purposes of this subsection (e):

6 "Armed forces" means any of the Armed Forces of the United
7 States, including a member of any reserve component or National
8 Guard unit.

9 "Veteran" means a person who has served in the armed forces
10 and was discharged or separated under honorable conditions.

11 (Source: P.A. 100-201, eff. 8-18-17; 100-248, eff. 8-22-17;
12 100-811, eff. 1-1-19; 101-106, eff. 1-1-20; 101-287, eff.
13 8-9-19; 101-513, eff. 1-1-20; revised 9-23-19.)

14 (625 ILCS 5/11-501.9)

15 Sec. 11-501.9. Suspension of driver's license; failure or
16 refusal of validated roadside chemical tests; failure or
17 refusal of field sobriety tests; implied consent.

18 (a) A person who drives or is in actual physical control of
19 a motor vehicle upon the public highways of this State shall be
20 deemed to have given consent to (i) validated roadside chemical
21 tests or (ii) standardized field sobriety tests approved by the
22 National Highway Traffic Safety Administration, under
23 subsection (a-5) of Section 11-501.2 of this Code, if detained
24 by a law enforcement officer who has a reasonable suspicion
25 that the person is driving or is in actual physical control of

1 a motor vehicle while impaired by the use of cannabis. The law
2 enforcement officer must have an independent, cannabis-related
3 factual basis giving reasonable suspicion that the person is
4 driving or in actual physical control of a motor vehicle while
5 impaired by the use of cannabis for conducting validated
6 roadside chemical tests or standardized field sobriety tests,
7 which shall be included with the results of the validated
8 roadside chemical tests and field sobriety tests in any report
9 made by the law enforcement officer who requests the test. The
10 person's possession of a registry identification card issued
11 under the Compassionate Use of Medical Cannabis Program Act
12 alone is not a sufficient basis for reasonable suspicion.

13 For purposes of this Section, a law enforcement officer of
14 this State who is investigating a person for an offense under
15 Section 11-501 of this Code may travel into an adjoining state
16 where the person has been transported for medical care to
17 complete an investigation and to request that the person submit
18 to field sobriety tests under this Section.

19 (b) A person who is unconscious, or otherwise in a
20 condition rendering the person incapable of refusal, shall be
21 deemed to have withdrawn the consent provided by subsection (a)
22 of this Section.

23 (c) A person requested to submit to validated roadside
24 chemical tests or field sobriety tests, as provided in this
25 Section, shall be warned by the law enforcement officer
26 requesting the field sobriety tests that a refusal to submit to

1 the validated roadside chemical tests or field sobriety tests
2 will result in the suspension of the person's privilege to
3 operate a motor vehicle, as provided in subsection (f) of this
4 Section. The person shall also be warned by the law enforcement
5 officer that if the person submits to validated roadside
6 chemical tests or field sobriety tests as provided in this
7 Section which disclose the person is impaired by the use of
8 cannabis, a suspension of the person's privilege to operate a
9 motor vehicle, as provided in subsection (f) of this Section,
10 will be imposed.

11 (d) The results of validated roadside chemical tests or
12 field sobriety tests administered under this Section shall be
13 admissible in a civil or criminal action or proceeding arising
14 from an arrest for an offense as defined in Section 11-501 of
15 this Code or a similar provision of a local ordinance. These
16 test results shall be admissible only in actions or proceedings
17 directly related to the incident upon which the test request
18 was made.

19 (e) If the person refuses validated roadside chemical tests
20 or field sobriety tests or submits to validated roadside
21 chemical tests or field sobriety tests that disclose the person
22 is impaired by the use of cannabis, the law enforcement officer
23 shall immediately submit a sworn report to the circuit court of
24 venue and the Secretary of State certifying that testing was
25 requested under this Section and that the person refused to
26 submit to validated roadside chemical tests or field sobriety

1 tests or submitted to validated roadside chemical tests or
2 field sobriety tests that disclosed the person was impaired by
3 the use of cannabis. The sworn report must include the law
4 enforcement officer's factual basis for reasonable suspicion
5 that the person was impaired by the use of cannabis.

6 (f) Upon receipt of the sworn report of a law enforcement
7 officer submitted under subsection (e) of this Section, the
8 Secretary of State shall enter the suspension to the driving
9 record as follows:

10 (1) for refusal or failure to complete validated
11 roadside chemical tests or field sobriety tests, a 12-month
12 ~~12-month~~ suspension shall be entered; or

13 (2) for submitting to validated roadside chemical
14 tests or field sobriety tests that disclosed the driver was
15 impaired by the use of cannabis, a 6-month ~~6-month~~
16 suspension shall be entered.

17 The Secretary of State shall confirm the suspension by
18 mailing a notice of the effective date of the suspension to the
19 person and the court of venue. However, should the sworn report
20 be defective for insufficient information or be completed in
21 error, the confirmation of the suspension shall not be mailed
22 to the person or entered to the record; instead, the sworn
23 report shall be forwarded to the court of venue with a copy
24 returned to the issuing agency identifying the defect.

25 (g) The law enforcement officer submitting the sworn report
26 under subsection (e) of this Section shall serve immediate

1 notice of the suspension on the person and the suspension shall
2 be effective as provided in subsection (h) of this Section. If
3 immediate notice of the suspension cannot be given, the
4 arresting officer or arresting agency shall give notice by
5 deposit in the United States mail of the notice in an envelope
6 with postage prepaid and addressed to the person at his or her
7 address as shown on the Uniform Traffic Ticket and the
8 suspension shall begin as provided in subsection (h) of this
9 Section. The officer shall confiscate any Illinois driver's
10 license or permit on the person at the time of arrest. If the
11 person has a valid driver's license or permit, the officer
12 shall issue the person a receipt, in a form prescribed by the
13 Secretary of State, that will allow the person to drive during
14 the period provided for in subsection (h) of this Section. The
15 officer shall immediately forward the driver's license or
16 permit to the circuit court of venue along with the sworn
17 report under subsection (e) of this Section.

18 (h) The suspension under subsection (f) of this Section
19 shall take effect on the 46th day following the date the notice
20 of the suspension was given to the person.

21 (i) When a driving privilege has been suspended under this
22 Section and the person is subsequently convicted of violating
23 Section 11-501 of this Code, or a similar provision of a local
24 ordinance, for the same incident, any period served on
25 suspension under this Section shall be credited toward the
26 minimum period of revocation of driving privileges imposed

1 under Section 6-205 of this Code.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19;
3 revised 9-20-19.)

4 (625 ILCS 5/11-502.1)

5 Sec. 11-502.1. Possession of medical cannabis in a motor
6 vehicle.

7 (a) No driver, who is a medical cannabis cardholder, may
8 use medical cannabis within the passenger area of any motor
9 vehicle upon a highway in this State.

10 (b) No driver, who is a medical cannabis cardholder, a
11 medical cannabis designated caregiver, medical cannabis
12 cultivation center agent, or dispensing organization agent may
13 possess medical cannabis within any area of any motor vehicle
14 upon a highway in this State except in a sealed, odor-proof,
15 and child-resistant medical cannabis container.

16 (c) No passenger, who is a medical cannabis card holder, a
17 medical cannabis designated caregiver, or medical cannabis
18 dispensing organization agent may possess medical cannabis
19 within any passenger area of any motor vehicle upon a highway
20 in this State except in a sealed, odor-proof, and
21 child-resistant medical cannabis container.

22 (d) Any person who violates subsections (a) through (c) of
23 this Section:

24 (1) commits a Class A misdemeanor;

25 (2) shall be subject to revocation of his or her

1 medical cannabis card for a period of 2 years from the end
2 of the sentence imposed;

3 (3) ~~(4)~~ shall be subject to revocation of his or her
4 status as a medical cannabis caregiver, medical cannabis
5 cultivation center agent, or medical cannabis dispensing
6 organization agent for a period of 2 years from the end of
7 the sentence imposed.

8 (Source: P.A. 101-27, eff. 6-25-19; revised 8-6-19.)

9 (625 ILCS 5/11-1412.3)

10 Sec. 11-1412.3. Ownership and operation of a mobile
11 carrying device.

12 (a) A mobile carrying device may be operated on a sidewalk
13 or crosswalk so long as all of the following requirements are
14 met:

15 (1) the mobile carrying device is operated in
16 accordance with the local ordinances, if any, established
17 by the local authority governing where the mobile carrying
18 device is operated;

19 (2) a personal property owner is actively monitoring
20 the operation and navigation of the mobile carrying device;
21 and

22 (3) the mobile carrying device is equipped with a
23 braking system that enables the mobile carrying device to
24 perform a controlled stop.

25 (b) A mobile carrying device operator may not do any of the

1 following:

2 (1) fail to comply with traffic or pedestrian control
3 devices and signals;

4 (2) unreasonably interfere with pedestrians or
5 traffic;

6 (3) transport a person; or

7 (4) operate on a street or highway, except when
8 crossing the street or highway within a crosswalk.

9 (c) A mobile carrying device operator has the rights and
10 obligations applicable to a pedestrian under the same
11 circumstances, and shall ensure that a mobile carrying device
12 shall yield the right-of-way to a pedestrian on a sidewalk or
13 within a crosswalk.

14 (d) A personal property owner may not utilize a mobile
15 carrying device to transport hazardous materials.

16 (e) A personal property owner may not utilize a mobile
17 carrying device unless the person complies with this Section.

18 (f) A mobile carrying device operator that ~~who~~ is not a
19 natural person shall register with the Secretary of State.

20 (g) No contract seeking to exempt a mobile carrying device
21 operator from liability for injury, loss, or death caused by a
22 mobile carrying device shall be valid, and contractual
23 provisions limiting the choice of venue or forum, shortening
24 the statute of limitations, shifting the risk to the user,
25 limiting the availability of class actions, or obtaining
26 judicial remedies shall be invalid and unenforceable.

1 (h) A violation of this Section is a petty offense.

2 (Source: P.A. 101-123, eff. 7-26-19; revised 9-24-19.)

3 (625 ILCS 5/12-610.2)

4 (Text of Section before amendment by P.A. 101-90)

5 Sec. 12-610.2. Electronic communication devices.

6 (a) As used in this Section:

7 "Electronic communication device" means an electronic
8 device, including, but not limited to, a hand-held wireless
9 telephone, hand-held personal digital assistant, or a portable
10 or mobile computer, but does not include a global positioning
11 system or navigation system or a device that is physically or
12 electronically integrated into the motor vehicle.

13 (b) A person may not operate a motor vehicle on a roadway
14 while using an electronic communication device, including
15 using an electronic communication device to watch or stream
16 video.

17 (b-5) A person commits aggravated use of an electronic
18 communication device when he or she violates subsection (b) and
19 in committing the violation he or she is involved in a motor
20 vehicle accident that results in great bodily harm, permanent
21 disability, disfigurement, or death to another and the
22 violation is a proximate cause of the injury or death.

23 (c) A violation of this Section is an offense against
24 traffic regulations governing the movement of vehicles. A
25 person who violates this Section shall be fined a maximum of

1 \$75 for a first offense, \$100 for a second offense, \$125 for a
2 third offense, and \$150 for a fourth or subsequent offense.

3 (d) This Section does not apply to:

4 (1) a law enforcement officer or operator of an
5 emergency vehicle while performing his or her official
6 duties;

7 (1.5) a first responder, including a volunteer first
8 responder, while operating his or her own personal motor
9 vehicle using an electronic communication device for the
10 sole purpose of receiving information about an emergency
11 situation while en route to performing his or her official
12 duties;

13 (2) a driver using an electronic communication device
14 for the sole purpose of reporting an emergency situation
15 and continued communication with emergency personnel
16 during the emergency situation;

17 (3) a driver using an electronic communication device
18 in hands-free or voice-operated mode, which may include the
19 use of a headset;

20 (4) a driver of a commercial motor vehicle reading a
21 message displayed on a permanently installed communication
22 device designed for a commercial motor vehicle with a
23 screen that does not exceed 10 inches tall by 10 inches
24 wide in size;

25 (5) a driver using an electronic communication device
26 while parked on the shoulder of a roadway;

1 (6) a driver using an electronic communication device
2 when the vehicle is stopped due to normal traffic being
3 obstructed and the driver has the motor vehicle
4 transmission in neutral or park;

5 (7) a driver using two-way or citizens band radio
6 services;

7 (8) a driver using two-way mobile radio transmitters or
8 receivers for licensees of the Federal Communications
9 Commission in the amateur radio service;

10 (9) a driver using an electronic communication device
11 by pressing a single button to initiate or terminate a
12 voice communication; or

13 (10) a driver using an electronic communication device
14 capable of performing multiple functions, other than a
15 hand-held wireless telephone or hand-held personal digital
16 assistant (for example, a fleet management system,
17 dispatching device, citizens band radio, or music player)
18 for a purpose that is not otherwise prohibited by this
19 Section.

20 (e) A person convicted of violating subsection (b-5)
21 commits a Class A misdemeanor if the violation resulted in
22 great bodily harm, permanent disability, or disfigurement to
23 another. A person convicted of violating subsection (b-5)
24 commits a Class 4 felony if the violation resulted in the death
25 of another person.

26 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;

1 101-81, eff. 7-12-19; 101-297, eff. 1-1-20.)

2 (Text of Section after amendment by P.A. 101-90)

3 Sec. 12-610.2. Electronic communication devices.

4 (a) As used in this Section:

5 "Electronic communication device" means an electronic
6 device, including, but not limited to, a hand-held wireless
7 telephone, hand-held personal digital assistant, or a portable
8 or mobile computer, but does not include a global positioning
9 system or navigation system or a device that is physically or
10 electronically integrated into the motor vehicle.

11 (b) A person may not operate a motor vehicle on a roadway
12 while using an electronic communication device, including
13 using an electronic communication device to watch or stream
14 video.

15 (b-5) A person commits aggravated use of an electronic
16 communication device when he or she violates subsection (b) and
17 in committing the violation he or she is involved in a motor
18 vehicle accident that results in great bodily harm, permanent
19 disability, disfigurement, or death to another and the
20 violation is a proximate cause of the injury or death.

21 (c) A violation of this Section is an offense against
22 traffic regulations governing the movement of vehicles. A
23 person who violates this Section shall be fined a maximum of
24 \$75 for a first offense, \$100 for a second offense, \$125 for a
25 third offense, and \$150 for a fourth or subsequent offense,

1 except that a person who violates subsection (b-5) shall be
2 assessed a minimum fine of \$1,000.

3 (d) This Section does not apply to:

4 (1) a law enforcement officer or operator of an
5 emergency vehicle while performing his or her official
6 duties;

7 (1.5) a first responder, including a volunteer first
8 responder, while operating his or her own personal motor
9 vehicle using an electronic communication device for the
10 sole purpose of receiving information about an emergency
11 situation while en route to performing his or her official
12 duties;

13 (2) a driver using an electronic communication device
14 for the sole purpose of reporting an emergency situation
15 and continued communication with emergency personnel
16 during the emergency situation;

17 (3) a driver using an electronic communication device
18 in hands-free or voice-operated mode, which may include the
19 use of a headset;

20 (4) a driver of a commercial motor vehicle reading a
21 message displayed on a permanently installed communication
22 device designed for a commercial motor vehicle with a
23 screen that does not exceed 10 inches tall by 10 inches
24 wide in size;

25 (5) a driver using an electronic communication device
26 while parked on the shoulder of a roadway;

1 (6) a driver using an electronic communication device
2 when the vehicle is stopped due to normal traffic being
3 obstructed and the driver has the motor vehicle
4 transmission in neutral or park;

5 (7) a driver using two-way or citizens band radio
6 services;

7 (8) a driver using two-way mobile radio transmitters or
8 receivers for licensees of the Federal Communications
9 Commission in the amateur radio service;

10 (9) a driver using an electronic communication device
11 by pressing a single button to initiate or terminate a
12 voice communication; or

13 (10) a driver using an electronic communication device
14 capable of performing multiple functions, other than a
15 hand-held wireless telephone or hand-held personal digital
16 assistant (for example, a fleet management system,
17 dispatching device, citizens band radio, or music player)
18 for a purpose that is not otherwise prohibited by this
19 Section.

20 (e) A person convicted of violating subsection (b-5)
21 commits a Class A misdemeanor if the violation resulted in
22 great bodily harm, permanent disability, or disfigurement to
23 another. A person convicted of violating subsection (b-5)
24 commits a Class 4 felony if the violation resulted in the death
25 of another person.

26 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;

1 101-81, eff. 7-12-19; 101-90, eff. 7-1-20; 101-297, eff.
2 1-1-20; revised 9-24-19.)

3 Section 595. The Juvenile Court Act of 1987 is amended by
4 changing Sections 2-31, 5-710, and 5-915 as follows:

5 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

6 Sec. 2-31. Duration of wardship and discharge of
7 proceedings.

8 (1) All proceedings under Article II of this Act in respect
9 of any minor automatically terminate upon his or her attaining
10 the age of 21 years.

11 (2) Whenever the court determines, and makes written
12 factual findings, that health, safety, and the best interests
13 of the minor and the public no longer require the wardship of
14 the court, the court shall order the wardship terminated and
15 all proceedings under this Act respecting that minor finally
16 closed and discharged. The court may at the same time continue
17 or terminate any custodianship or guardianship theretofore
18 ordered but the termination must be made in compliance with
19 Section 2-28. When terminating wardship under this Section, if
20 the minor is over 18~~7~~ or if wardship is terminated in
21 conjunction with an order partially or completely emancipating
22 the minor in accordance with the Emancipation of Minors Act,
23 the court shall also consider the following factors, in
24 addition to the health, safety, and best interest of the minor

1 and the public: (A) the minor's wishes regarding case closure;
2 (B) the manner in which the minor will maintain independence
3 without services from the Department; (C) the minor's
4 engagement in services including placement offered by the
5 Department; (D) if the minor is not engaged, the Department's
6 efforts to engage the minor; (E) the nature of communication
7 between the minor and the Department; (F) the minor's
8 involvement in other State systems or services; (G) the minor's
9 connections with family and other community support; and (H)
10 any other factor the court deems relevant. The minor's lack of
11 cooperation with services provided by the Department of
12 Children and Family Services shall not by itself be considered
13 sufficient evidence that the minor is prepared to live
14 independently and that it is in the best interest of the minor
15 to terminate wardship. It shall not be in the minor's best
16 interest to terminate wardship of a minor over the age of 18
17 who is in the guardianship of the Department of Children and
18 Family Services if the Department has not made reasonable
19 efforts to ensure that the minor has documents necessary for
20 adult living as provided in Section 35.10 of the Children and
21 Family Services Act.

22 (3) The wardship of the minor and any custodianship or
23 guardianship respecting the minor for whom a petition was filed
24 after July 24, 1991 (the effective date of Public Act 87-14)
25 ~~this amendatory Act of 1991~~ automatically terminates when he
26 attains the age of 19 years, except as set forth in subsection

1 (1) of this Section. The clerk of the court shall at that time
2 record all proceedings under this Act as finally closed and
3 discharged for that reason. The provisions of this subsection
4 (3) become inoperative on and after July 12, 2019 (the
5 effective date of Public Act 101-78) ~~this amendatory Act of the~~
6 ~~101st General Assembly~~.

7 (4) Notwithstanding any provision of law to the contrary,
8 the changes made by Public Act 101-78 ~~this amendatory Act of~~
9 ~~the 101st General Assembly~~ apply to all cases that are pending
10 on or after July 12, 2019 (the effective date of Public Act
11 101-78) ~~this amendatory Act of the 101st General Assembly~~.

12 (Source: P.A. 100-680, eff. 1-1-19; 101-78, eff. 7-12-19;
13 revised 9-12-19.)

14 (705 ILCS 405/5-710)

15 Sec. 5-710. Kinds of sentencing orders.

16 (1) The following kinds of sentencing orders may be made in
17 respect of wards of the court:

18 (a) Except as provided in Sections 5-805, 5-810, and
19 5-815, a minor who is found guilty under Section 5-620 may
20 be:

21 (i) put on probation or conditional discharge and
22 released to his or her parents, guardian or legal
23 custodian, provided, however, that any such minor who
24 is not committed to the Department of Juvenile Justice
25 under this subsection and who is found to be a

1 delinquent for an offense which is first degree murder,
2 a Class X felony, or a forcible felony shall be placed
3 on probation;

4 (ii) placed in accordance with Section 5-740, with
5 or without also being put on probation or conditional
6 discharge;

7 (iii) required to undergo a substance abuse
8 assessment conducted by a licensed provider and
9 participate in the indicated clinical level of care;

10 (iv) on and after January 1, 2015 (the effective
11 date of Public Act 98-803) ~~this amendatory Act of the~~
12 ~~98th General Assembly~~ and before January 1, 2017,
13 placed in the guardianship of the Department of
14 Children and Family Services, but only if the
15 delinquent minor is under 16 years of age or, pursuant
16 to Article II of this Act, a minor under the age of 18
17 for whom an independent basis of abuse, neglect, or
18 dependency exists. On and after January 1, 2017, placed
19 in the guardianship of the Department of Children and
20 Family Services, but only if the delinquent minor is
21 under 15 years of age or, pursuant to Article II of
22 this Act, a minor for whom an independent basis of
23 abuse, neglect, or dependency exists. An independent
24 basis exists when the allegations or adjudication of
25 abuse, neglect, or dependency do not arise from the
26 same facts, incident, or circumstances which give rise

1 to a charge or adjudication of delinquency;

2 (v) placed in detention for a period not to exceed
3 30 days, either as the exclusive order of disposition
4 or, where appropriate, in conjunction with any other
5 order of disposition issued under this paragraph,
6 provided that any such detention shall be in a juvenile
7 detention home and the minor so detained shall be 10
8 years of age or older. However, the 30-day limitation
9 may be extended by further order of the court for a
10 minor under age 15 committed to the Department of
11 Children and Family Services if the court finds that
12 the minor is a danger to himself or others. The minor
13 shall be given credit on the sentencing order of
14 detention for time spent in detention under Sections
15 5-501, 5-601, 5-710, or 5-720 of this Article as a
16 result of the offense for which the sentencing order
17 was imposed. The court may grant credit on a sentencing
18 order of detention entered under a violation of
19 probation or violation of conditional discharge under
20 Section 5-720 of this Article for time spent in
21 detention before the filing of the petition alleging
22 the violation. A minor shall not be deprived of credit
23 for time spent in detention before the filing of a
24 violation of probation or conditional discharge
25 alleging the same or related act or acts. The
26 limitation that the minor shall only be placed in a

1 juvenile detention home does not apply as follows:

2 Persons 18 years of age and older who have a
3 petition of delinquency filed against them may be
4 confined in an adult detention facility. In making a
5 determination whether to confine a person 18 years of
6 age or older who has a petition of delinquency filed
7 against the person, these factors, among other
8 matters, shall be considered:

9 (A) the age of the person;

10 (B) any previous delinquent or criminal
11 history of the person;

12 (C) any previous abuse or neglect history of
13 the person;

14 (D) any mental health history of the person;

15 and

16 (E) any educational history of the person;

17 (vi) ordered partially or completely emancipated
18 in accordance with the provisions of the Emancipation
19 of Minors Act;

20 (vii) subject to having his or her driver's license
21 or driving privileges suspended for such time as
22 determined by the court but only until he or she
23 attains 18 years of age;

24 (viii) put on probation or conditional discharge
25 and placed in detention under Section 3-6039 of the
26 Counties Code for a period not to exceed the period of

1 incarceration permitted by law for adults found guilty
2 of the same offense or offenses for which the minor was
3 adjudicated delinquent, and in any event no longer than
4 upon attainment of age 21; this subdivision (viii)
5 notwithstanding any contrary provision of the law;

6 (ix) ordered to undergo a medical or other
7 procedure to have a tattoo symbolizing allegiance to a
8 street gang removed from his or her body; or

9 (x) placed in electronic monitoring or home
10 detention under Part 7A of this Article.

11 (b) A minor found to be guilty may be committed to the
12 Department of Juvenile Justice under Section 5-750 if the
13 minor is at least 13 years and under 20 years of age,
14 provided that the commitment to the Department of Juvenile
15 Justice shall be made only if the minor was found guilty of
16 a felony offense or first degree murder. The court shall
17 include in the sentencing order any pre-custody credits the
18 minor is entitled to under Section 5-4.5-100 of the Unified
19 Code of Corrections. The time during which a minor is in
20 custody before being released upon the request of a parent,
21 guardian or legal custodian shall also be considered as
22 time spent in custody.

23 (c) When a minor is found to be guilty for an offense
24 which is a violation of the Illinois Controlled Substances
25 Act, the Cannabis Control Act, or the Methamphetamine
26 Control and Community Protection Act and made a ward of the

1 court, the court may enter a disposition order requiring
2 the minor to undergo assessment, counseling or treatment in
3 a substance use disorder treatment program approved by the
4 Department of Human Services.

5 (2) Any sentencing order other than commitment to the
6 Department of Juvenile Justice may provide for protective
7 supervision under Section 5-725 and may include an order of
8 protection under Section 5-730.

9 (3) Unless the sentencing order expressly so provides, it
10 does not operate to close proceedings on the pending petition,
11 but is subject to modification until final closing and
12 discharge of the proceedings under Section 5-750.

13 (4) In addition to any other sentence, the court may order
14 any minor found to be delinquent to make restitution, in
15 monetary or non-monetary form, under the terms and conditions
16 of Section 5-5-6 of the Unified Code of Corrections, except
17 that the "presentencing hearing" referred to in that Section
18 shall be the sentencing hearing for purposes of this Section.
19 The parent, guardian or legal custodian of the minor may be
20 ordered by the court to pay some or all of the restitution on
21 the minor's behalf, pursuant to the Parental Responsibility
22 Law. The State's Attorney is authorized to act on behalf of any
23 victim in seeking restitution in proceedings under this
24 Section, up to the maximum amount allowed in Section 5 of the
25 Parental Responsibility Law.

26 (5) Any sentencing order where the minor is committed or

1 placed in accordance with Section 5-740 shall provide for the
2 parents or guardian of the estate of the minor to pay to the
3 legal custodian or guardian of the person of the minor such
4 sums as are determined by the custodian or guardian of the
5 person of the minor as necessary for the minor's needs. The
6 payments may not exceed the maximum amounts provided for by
7 Section 9.1 of the Children and Family Services Act.

8 (6) Whenever the sentencing order requires the minor to
9 attend school or participate in a program of training, the
10 truant officer or designated school official shall regularly
11 report to the court if the minor is a chronic or habitual
12 truant under Section 26-2a of the School Code. Notwithstanding
13 any other provision of this Act, in instances in which
14 educational services are to be provided to a minor in a
15 residential facility where the minor has been placed by the
16 court, costs incurred in the provision of those educational
17 services must be allocated based on the requirements of the
18 School Code.

19 (7) In no event shall a guilty minor be committed to the
20 Department of Juvenile Justice for a period of time in excess
21 of that period for which an adult could be committed for the
22 same act. The court shall include in the sentencing order a
23 limitation on the period of confinement not to exceed the
24 maximum period of imprisonment the court could impose under
25 Chapter V ~~5~~ of the Unified Code of Corrections.

26 (7.5) In no event shall a guilty minor be committed to the

1 Department of Juvenile Justice or placed in detention when the
2 act for which the minor was adjudicated delinquent would not be
3 illegal if committed by an adult.

4 (7.6) In no event shall a guilty minor be committed to the
5 Department of Juvenile Justice for an offense which is a Class
6 4 felony under Section 19-4 (criminal trespass to a residence),
7 21-1 (criminal damage to property), 21-1.01 (criminal damage to
8 government supported property), 21-1.3 (criminal defacement of
9 property), 26-1 (disorderly conduct), or 31-4 (obstructing
10 justice) of the Criminal Code of 2012.

11 (7.75) In no event shall a guilty minor be committed to the
12 Department of Juvenile Justice for an offense that is a Class 3
13 or Class 4 felony violation of the Illinois Controlled
14 Substances Act unless the commitment occurs upon a third or
15 subsequent judicial finding of a violation of probation for
16 substantial noncompliance with court-ordered treatment or
17 programming.

18 (8) A minor found to be guilty for reasons that include a
19 violation of Section 21-1.3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 shall be ordered to perform community
21 service for not less than 30 and not more than 120 hours, if
22 community service is available in the jurisdiction. The
23 community service shall include, but need not be limited to,
24 the cleanup and repair of the damage that was caused by the
25 violation or similar damage to property located in the
26 municipality or county in which the violation occurred. The

1 order may be in addition to any other order authorized by this
2 Section.

3 (8.5) A minor found to be guilty for reasons that include a
4 violation of Section 3.02 or Section 3.03 of the Humane Care
5 for Animals Act or paragraph (d) of subsection (1) of Section
6 21-1 of the Criminal Code of 1961 or paragraph (4) of
7 subsection (a) of Section 21-1 of the Criminal Code of 2012
8 shall be ordered to undergo medical or psychiatric treatment
9 rendered by a psychiatrist or psychological treatment rendered
10 by a clinical psychologist. The order may be in addition to any
11 other order authorized by this Section.

12 (9) In addition to any other sentencing order, the court
13 shall order any minor found to be guilty for an act which would
14 constitute, predatory criminal sexual assault of a child,
15 aggravated criminal sexual assault, criminal sexual assault,
16 aggravated criminal sexual abuse, or criminal sexual abuse if
17 committed by an adult to undergo medical testing to determine
18 whether the defendant has any sexually transmissible disease
19 including a test for infection with human immunodeficiency
20 virus (HIV) or any other identified causative agency of
21 acquired immunodeficiency syndrome (AIDS). Any medical test
22 shall be performed only by appropriately licensed medical
23 practitioners and may include an analysis of any bodily fluids
24 as well as an examination of the minor's person. Except as
25 otherwise provided by law, the results of the test shall be
26 kept strictly confidential by all medical personnel involved in

1 the testing and must be personally delivered in a sealed
2 envelope to the judge of the court in which the sentencing
3 order was entered for the judge's inspection in camera. Acting
4 in accordance with the best interests of the victim and the
5 public, the judge shall have the discretion to determine to
6 whom the results of the testing may be revealed. The court
7 shall notify the minor of the results of the test for infection
8 with the human immunodeficiency virus (HIV). The court shall
9 also notify the victim if requested by the victim, and if the
10 victim is under the age of 15 and if requested by the victim's
11 parents or legal guardian, the court shall notify the victim's
12 parents or the legal guardian, of the results of the test for
13 infection with the human immunodeficiency virus (HIV). The
14 court shall provide information on the availability of HIV
15 testing and counseling at the Department of Public Health
16 facilities to all parties to whom the results of the testing
17 are revealed. The court shall order that the cost of any test
18 shall be paid by the county and may be taxed as costs against
19 the minor.

20 (10) When a court finds a minor to be guilty the court
21 shall, before entering a sentencing order under this Section,
22 make a finding whether the offense committed either: (a) was
23 related to or in furtherance of the criminal activities of an
24 organized gang or was motivated by the minor's membership in or
25 allegiance to an organized gang, or (b) involved a violation of
26 subsection (a) of Section 12-7.1 of the Criminal Code of 1961

1 or the Criminal Code of 2012, a violation of any Section of
2 Article 24 of the Criminal Code of 1961 or the Criminal Code of
3 2012, or a violation of any statute that involved the wrongful
4 use of a firearm. If the court determines the question in the
5 affirmative, and the court does not commit the minor to the
6 Department of Juvenile Justice, the court shall order the minor
7 to perform community service for not less than 30 hours nor
8 more than 120 hours, provided that community service is
9 available in the jurisdiction and is funded and approved by the
10 county board of the county where the offense was committed. The
11 community service shall include, but need not be limited to,
12 the cleanup and repair of any damage caused by a violation of
13 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 and similar damage to property located in the
15 municipality or county in which the violation occurred. When
16 possible and reasonable, the community service shall be
17 performed in the minor's neighborhood. This order shall be in
18 addition to any other order authorized by this Section except
19 for an order to place the minor in the custody of the
20 Department of Juvenile Justice. For the purposes of this
21 Section, "organized gang" has the meaning ascribed to it in
22 Section 10 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act.

24 (11) If the court determines that the offense was committed
25 in furtherance of the criminal activities of an organized gang,
26 as provided in subsection (10), and that the offense involved

1 the operation or use of a motor vehicle or the use of a
2 driver's license or permit, the court shall notify the
3 Secretary of State of that determination and of the period for
4 which the minor shall be denied driving privileges. If, at the
5 time of the determination, the minor does not hold a driver's
6 license or permit, the court shall provide that the minor shall
7 not be issued a driver's license or permit until his or her
8 18th birthday. If the minor holds a driver's license or permit
9 at the time of the determination, the court shall provide that
10 the minor's driver's license or permit shall be revoked until
11 his or her 21st birthday, or until a later date or occurrence
12 determined by the court. If the minor holds a driver's license
13 at the time of the determination, the court may direct the
14 Secretary of State to issue the minor a judicial driving
15 permit, also known as a JDP. The JDP shall be subject to the
16 same terms as a JDP issued under Section 6-206.1 of the
17 Illinois Vehicle Code, except that the court may direct that
18 the JDP be effective immediately.

19 (12) (Blank).

20 (Source: P.A. 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
21 100-759, eff. 1-1-19; 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;
22 101-159, eff. 1-1-20; revised 8-8-19.)

23 (705 ILCS 405/5-915)

24 Sec. 5-915. Expungement of juvenile law enforcement and
25 juvenile court records.

1 (0.05) (Blank).

2 (0.1) (a) The Department of State Police and all law
3 enforcement agencies within the State shall automatically
4 expunge, on or before January 1 of each year, all juvenile law
5 enforcement records relating to events occurring before an
6 individual's 18th birthday if:

7 (1) one year or more has elapsed since the date of the
8 arrest or law enforcement interaction documented in the
9 records;

10 (2) no petition for delinquency or criminal charges
11 were filed with the clerk of the circuit court relating to
12 the arrest or law enforcement interaction documented in the
13 records; and

14 (3) 6 months have elapsed since the date of the arrest
15 without an additional subsequent arrest or filing of a
16 petition for delinquency or criminal charges whether
17 related or not to the arrest or law enforcement interaction
18 documented in the records.

19 (b) If the law enforcement agency is unable to verify
20 satisfaction of conditions (2) and (3) of this subsection
21 (0.1), records that satisfy condition (1) of this subsection
22 (0.1) shall be automatically expunged if the records relate to
23 an offense that if committed by an adult would not be an
24 offense classified as Class 2 felony or higher, an offense
25 under Article 11 of the Criminal Code of 1961 or Criminal Code
26 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,

1 12-15, or 12-16 of the Criminal Code of 1961.

2 (0.15) If a juvenile law enforcement record meets paragraph
3 (a) of subsection (0.1) of this Section, a juvenile law
4 enforcement record created:

5 (1) prior to January 1, 2018, but on or after January
6 1, 2013 shall be automatically expunged prior to January 1,
7 2020;

8 (2) prior to January 1, 2013, but on or after January
9 1, 2000, shall be automatically expunged prior to January
10 1, 2023; and

11 (3) prior to January 1, 2000 shall not be subject to
12 the automatic expungement provisions of this Act.

13 Nothing in this subsection (0.15) shall be construed to
14 restrict or modify an individual's right to have his or her
15 juvenile law enforcement records expunged except as otherwise
16 may be provided in this Act.

17 (0.2) (a) Upon dismissal of a petition alleging delinquency
18 or upon a finding of not delinquent, the successful termination
19 of an order of supervision, or the successful termination of an
20 adjudication for an offense which would be a Class B
21 misdemeanor, Class C misdemeanor, or a petty or business
22 offense if committed by an adult, the court shall automatically
23 order the expungement of the juvenile court records and
24 juvenile law enforcement records. The clerk shall deliver a
25 certified copy of the expungement order to the Department of
26 State Police and the arresting agency. Upon request, the

1 State's Attorney shall furnish the name of the arresting
2 agency. The expungement shall be completed within 60 business
3 days after the receipt of the expungement order.

4 (b) If the chief law enforcement officer of the agency, or
5 his or her designee, certifies in writing that certain
6 information is needed for a pending investigation involving the
7 commission of a felony, that information, and information
8 identifying the juvenile, may be retained until the statute of
9 limitations for the felony has run. If the chief law
10 enforcement officer of the agency, or his or her designee,
11 certifies in writing that certain information is needed with
12 respect to an internal investigation of any law enforcement
13 office, that information and information identifying the
14 juvenile may be retained within an intelligence file until the
15 investigation is terminated or the disciplinary action,
16 including appeals, has been completed, whichever is later.
17 Retention of a portion of a juvenile's law enforcement record
18 does not disqualify the remainder of his or her record from
19 immediate automatic expungement.

20 (0.3) (a) Upon an adjudication of delinquency based on any
21 offense except a disqualified offense, the juvenile court shall
22 automatically order the expungement of the juvenile court and
23 law enforcement records 2 years after the juvenile's case was
24 closed if no delinquency or criminal proceeding is pending and
25 the person has had no subsequent delinquency adjudication or
26 criminal conviction. The clerk shall deliver a certified copy

1 of the expungement order to the Department of State Police and
2 the arresting agency. Upon request, the State's Attorney shall
3 furnish the name of the arresting agency. The expungement shall
4 be completed within 60 business days after the receipt of the
5 expungement order. In this subsection (0.3), "disqualified
6 offense" means any of the following offenses: Section 8-1.2,
7 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
8 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
9 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,
10 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,
11 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
12 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
13 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
14 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
15 of subsection (a) of Section 11-14.4, subsection (a-5) of
16 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
17 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
18 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
19 subparagraph (i) of paragraph (1) of subsection (a) of Section
20 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
21 Section 24-1.6, paragraph (1) of subsection (a) of Section
22 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
23 of 2012.

24 (b) If the chief law enforcement officer of the agency, or
25 his or her designee, certifies in writing that certain
26 information is needed for a pending investigation involving the

1 commission of a felony, that information, and information
2 identifying the juvenile, may be retained in an intelligence
3 file until the investigation is terminated or for one
4 additional year, whichever is sooner. Retention of a portion of
5 a juvenile's juvenile law enforcement record does not
6 disqualify the remainder of his or her record from immediate
7 automatic expungement.

8 (0.4) Automatic expungement for the purposes of this
9 Section shall not require law enforcement agencies to
10 obliterate or otherwise destroy juvenile law enforcement
11 records that would otherwise need to be automatically expunged
12 under this Act, except after 2 years following the subject
13 arrest for purposes of use in civil litigation against a
14 governmental entity or its law enforcement agency or personnel
15 which created, maintained, or used the records. However, l these
16 juvenile law enforcement records shall be considered expunged
17 for all other purposes during this period and the offense,
18 which the records or files concern, shall be treated as if it
19 never occurred as required under Section 5-923.

20 (0.5) Subsection (0.1) or (0.2) of this Section does not
21 apply to violations of traffic, boating, fish and game laws, or
22 county or municipal ordinances.

23 (0.6) Juvenile law enforcement records of a plaintiff who
24 has filed civil litigation against the governmental entity or
25 its law enforcement agency or personnel that created,
26 maintained, or used the records, or juvenile law enforcement

1 records that contain information related to the allegations set
2 forth in the civil litigation may not be expunged until after 2
3 years have elapsed after the conclusion of the lawsuit,
4 including any appeal.

5 (0.7) Officer-worn body camera recordings shall not be
6 automatically expunged except as otherwise authorized by the
7 Law Enforcement Officer-Worn Body Camera Act.

8 (1) Whenever a person has been arrested, charged, or
9 adjudicated delinquent for an incident occurring before his or
10 her 18th birthday that if committed by an adult would be an
11 offense, and that person's juvenile law enforcement and
12 juvenile court records are not eligible for automatic
13 expungement under subsection (0.1), (0.2), or (0.3), the person
14 may petition the court at any time for expungement of juvenile
15 law enforcement records and juvenile court records relating to
16 the incident and, upon termination of all juvenile court
17 proceedings relating to that incident, the court shall order
18 the expungement of all records in the possession of the
19 Department of State Police, the clerk of the circuit court, and
20 law enforcement agencies relating to the incident, but only in
21 any of the following circumstances:

22 (a) the minor was arrested and no petition for
23 delinquency was filed with the clerk of the circuit court;

24 (a-5) the minor was charged with an offense and the
25 petition or petitions were dismissed without a finding of
26 delinquency;

1 (b) the minor was charged with an offense and was found
2 not delinquent of that offense;

3 (c) the minor was placed under supervision under
4 Section 5-615, and the order of supervision has since been
5 successfully terminated; or

6 (d) the minor was adjudicated for an offense which
7 would be a Class B misdemeanor, Class C misdemeanor, or a
8 petty or business offense if committed by an adult.

9 (1.5) The Department of State Police shall allow a person
10 to use the Access and Review process, established in the
11 Department of State Police, for verifying that his or her
12 juvenile law enforcement records relating to incidents
13 occurring before his or her 18th birthday eligible under this
14 Act have been expunged.

15 (1.6) (Blank).

16 (1.7) (Blank).

17 (1.8) (Blank).

18 (2) Any person whose delinquency adjudications are not
19 eligible for automatic expungement under subsection (0.3) of
20 this Section may petition the court to expunge all juvenile law
21 enforcement records relating to any incidents occurring before
22 his or her 18th birthday which did not result in proceedings in
23 criminal court and all juvenile court records with respect to
24 any adjudications except those based upon first degree murder
25 or an offense under Article 11 of the Criminal Code of 2012 if
26 the person is required to register under the Sex Offender

1 Registration Act at the time he or she petitions the court for
2 expungement; provided that: ~~(a) (blank); or (b)~~ 2 years have
3 elapsed since all juvenile court proceedings relating to him or
4 her have been terminated and his or her commitment to the
5 Department of Juvenile Justice under this Act has been
6 terminated.

7 (2.5) If a minor is arrested and no petition for
8 delinquency is filed with the clerk of the circuit court at the
9 time the minor is released from custody, the youth officer, if
10 applicable, or other designated person from the arresting
11 agency, shall notify verbally and in writing to the minor or
12 the minor's parents or guardians that the minor shall have an
13 arrest record and shall provide the minor and the minor's
14 parents or guardians with an expungement information packet,
15 information regarding this State's expungement laws including
16 a petition to expunge juvenile law enforcement and juvenile
17 court records obtained from the clerk of the circuit court.

18 (2.6) If a minor is referred to court, then, at the time of
19 sentencing, or dismissal of the case, or successful completion
20 of supervision, the judge shall inform the delinquent minor of
21 his or her rights regarding expungement and the clerk of the
22 circuit court shall provide an expungement information packet
23 to the minor, written in plain language, including information
24 regarding this State's expungement laws and a petition for
25 expungement, a sample of a completed petition, expungement
26 instructions that shall include information informing the

1 minor that (i) once the case is expunged, it shall be treated
2 as if it never occurred, (ii) he or she may apply to have
3 petition fees waived, (iii) once he or she obtains an
4 expungement, he or she may not be required to disclose that he
5 or she had a juvenile law enforcement or juvenile court record,
6 and (iv) if petitioning he or she may file the petition on his
7 or her own or with the assistance of an attorney. The failure
8 of the judge to inform the delinquent minor of his or her right
9 to petition for expungement as provided by law does not create
10 a substantive right, nor is that failure grounds for: (i) a
11 reversal of an adjudication of delinquency; ~~ii~~ (ii) a new trial;
12 or (iii) an appeal.

13 (2.7) (Blank).

14 (2.8) (Blank).

15 (3) (Blank).

16 (3.1) (Blank).

17 (3.2) (Blank).

18 (3.3) (Blank).

19 (4) (Blank).

20 (5) (Blank).

21 (5.5) Whether or not expunged, records eligible for
22 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
23 (0.3) (a) may be treated as expunged by the individual subject
24 to the records.

25 (6) (Blank).

26 (6.5) The Department of State Police or any employee of the

1 Department shall be immune from civil or criminal liability for
2 failure to expunge any records of arrest that are subject to
3 expungement under this Section because of inability to verify a
4 record. Nothing in this Section shall create Department of
5 State Police liability or responsibility for the expungement of
6 juvenile law enforcement records it does not possess.

7 (7) (Blank).

8 (7.5) (Blank).

9 (8) ~~(a) (Blank). (b) (Blank). (c)~~ The expungement of
10 juvenile law enforcement or juvenile court records under
11 subsection (0.1), (0.2), or (0.3) of this Section shall be
12 funded by appropriation by the General Assembly for that
13 purpose.

14 (9) (Blank).

15 (10) (Blank).

16 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
17 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
18 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
19 eff. 12-20-18; revised 7-16-19.)

20 Section 600. The Court of Claims Act is amended by changing
21 Section 22 as follows:

22 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

23 Sec. 22. Every claim cognizable by the court ~~Court~~ and not
24 otherwise sooner barred by law shall be forever barred from

1 prosecution therein unless it is filed with the clerk of the
2 court ~~Clerk of the Court~~ within the time set forth as follows:

3 (a) All claims arising out of a contract must be filed
4 within 5 years after it first accrues, saving to minors,
5 and persons under legal disability at the time the claim
6 accrues, in which cases the claim must be filed within 5
7 years from the time the disability ceases.

8 (b) All claims cognizable against the State by vendors
9 of goods or services under the ~~"The~~ Illinois Public Aid
10 Code", ~~approved April 11, 1967, as amended,~~ must file
11 within one year after the accrual of the cause of action,
12 as provided in Section 11-13 of that Code.

13 (c) All claims arising under paragraph (c) of Section 8
14 of this Act must be automatically heard by the court within
15 120 days after the person asserting such claim is either
16 issued a certificate of innocence from the circuit court
17 ~~Circuit Court~~ as provided in Section 2-702 of the Code of
18 Civil Procedure, or is granted a pardon by the Governor,
19 whichever occurs later, without the person asserting the
20 claim being required to file a petition under Section 11 of
21 this Act, except as otherwise provided by the Crime Victims
22 Compensation Act. Any claims filed by the claimant under
23 paragraph (c) of Section 8 of this Act must be filed within
24 2 years after the person asserting such claim is either
25 issued a certificate of innocence as provided in Section
26 2-702 of the Code of Civil Procedure, or is granted a

1 pardon by the Governor, whichever occurs later.

2 (d) All claims arising under paragraph (f) of Section 8
3 of this Act must be filed within the time set forth in
4 Section 3 of the Line of Duty Compensation Act.

5 (e) All claims arising under paragraph (h) of Section 8
6 of this Act must be filed within one year of the date of
7 the death of the guardsman or militiaman as provided in
8 Section 3 of the ~~"Illinois National Guardsman's and Naval
9 Militiaman's Compensation Act", approved August 12, 1971,
10 as amended.~~

11 (f) All claims arising under paragraph (g) of Section 8
12 of this Act must be filed within one year of the crime on
13 which a claim is based as provided in Section 6.1 of the
14 ~~"Crime Victims Compensation Act", approved August 23,
15 1973, as amended.~~

16 (g) All claims arising from the Comptroller's refusal
17 to issue a replacement warrant pursuant to Section 10.10 of
18 the State Comptroller Act must be filed within 5 years
19 after the date of the Comptroller's refusal.

20 (h) All other claims must be filed within 2 years after
21 it first accrues, saving to minors, and persons under legal
22 disability at the time the claim accrues, in which case the
23 claim must be filed within 2 years from the time the
24 disability ceases.

25 (i) The changes made by Public Act 86-458 apply to all
26 warrants issued within the 5-year ~~5-year~~ period preceding

1 August 31, 1989 (the effective date of Public Act 86-458).
2 The changes made to this Section by Public Act 100-1124
3 ~~this amendatory Act of the 100th General Assembly~~ apply to
4 claims pending on November 27, 2018 (the effective date of
5 Public Act 100-1124) ~~this amendatory Act of the 100th~~
6 ~~General Assembly~~ and to claims filed thereafter.

7 (j) All time limitations established under this Act and
8 the rules promulgated under this Act shall be binding and
9 jurisdictional, except upon extension authorized by law or
10 rule and granted pursuant to a motion timely filed.

11 (Source: P.A. 100-1124, eff. 11-27-18; revised 7-16-19.)

12 Section 605. The Criminal Code of 2012 is amended by
13 changing Sections 3-6, 9-3.2, 12-2, 12-3.05, 28-1, 28-2, 28-3,
14 28-5, and 29B-21 as follows:

15 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

16 Sec. 3-6. Extended limitations. The period within which a
17 prosecution must be commenced under the provisions of Section
18 3-5 or other applicable statute is extended under the following
19 conditions:

20 (a) A prosecution for theft involving a breach of a
21 fiduciary obligation to the aggrieved person may be commenced
22 as follows:

23 (1) If the aggrieved person is a minor or a person
24 under legal disability, then during the minority or legal

1 disability or within one year after the termination
2 thereof.

3 (2) In any other instance, within one year after the
4 discovery of the offense by an aggrieved person, or by a
5 person who has legal capacity to represent an aggrieved
6 person or has a legal duty to report the offense, and is
7 not himself or herself a party to the offense; or in the
8 absence of such discovery, within one year after the proper
9 prosecuting officer becomes aware of the offense. However,
10 in no such case is the period of limitation so extended
11 more than 3 years beyond the expiration of the period
12 otherwise applicable.

13 (b) A prosecution for any offense based upon misconduct in
14 office by a public officer or employee may be commenced within
15 one year after discovery of the offense by a person having a
16 legal duty to report such offense, or in the absence of such
17 discovery, within one year after the proper prosecuting officer
18 becomes aware of the offense. However, in no such case is the
19 period of limitation so extended more than 3 years beyond the
20 expiration of the period otherwise applicable.

21 (b-5) When the victim is under 18 years of age at the time
22 of the offense, a prosecution for involuntary servitude,
23 involuntary sexual servitude of a minor, or trafficking in
24 persons and related offenses under Section 10-9 of this Code
25 may be commenced within 25 years of the victim attaining the
26 age of 18 years.

1 (b-6) When the victim is 18 years of age or over at the
2 time of the offense, a prosecution for involuntary servitude,
3 involuntary sexual servitude of a minor, or trafficking in
4 persons and related offenses under Section 10-9 of this Code
5 may be commenced within 25 years after the commission of the
6 offense.

7 (b-7) ~~(b-6)~~ When the victim is under 18 years of age at the
8 time of the offense, a prosecution for female genital
9 mutilation may be commenced at any time.

10 (c) (Blank).

11 (d) A prosecution for child pornography, aggravated child
12 pornography, indecent solicitation of a child, soliciting for a
13 juvenile prostitute, juvenile pimping, exploitation of a
14 child, or promoting juvenile prostitution except for keeping a
15 place of juvenile prostitution may be commenced within one year
16 of the victim attaining the age of 18 years. However, in no
17 such case shall the time period for prosecution expire sooner
18 than 3 years after the commission of the offense.

19 (e) Except as otherwise provided in subdivision (j), a
20 prosecution for any offense involving sexual conduct or sexual
21 penetration, as defined in Section 11-0.1 of this Code, where
22 the defendant was within a professional or fiduciary
23 relationship or a purported professional or fiduciary
24 relationship with the victim at the time of the commission of
25 the offense may be commenced within one year after the
26 discovery of the offense by the victim.

1 (f) A prosecution for any offense set forth in Section 44
2 of the Environmental Protection Act may be commenced within 5
3 years after the discovery of such an offense by a person or
4 agency having the legal duty to report the offense or in the
5 absence of such discovery, within 5 years after the proper
6 prosecuting officer becomes aware of the offense.

7 (f-5) A prosecution for any offense set forth in Section
8 16-30 of this Code may be commenced within 5 years after the
9 discovery of the offense by the victim of that offense.

10 (g) (Blank).

11 (h) (Blank).

12 (i) Except as otherwise provided in subdivision (j), a
13 prosecution for criminal sexual assault, aggravated criminal
14 sexual assault, or aggravated criminal sexual abuse may be
15 commenced at any time. If the victim consented to the
16 collection of evidence using an Illinois State Police Sexual
17 Assault Evidence Collection Kit under the Sexual Assault
18 Survivors Emergency Treatment Act, it shall constitute
19 reporting for purposes of this Section.

20 Nothing in this subdivision (i) shall be construed to
21 shorten a period within which a prosecution must be commenced
22 under any other provision of this Section.

23 (i-5) A prosecution for armed robbery, home invasion,
24 kidnapping, or aggravated kidnaping may be commenced within 10
25 years of the commission of the offense if it arises out of the
26 same course of conduct and meets the criteria under one of the

1 offenses in subsection (i) of this Section.

2 (j) (1) When the victim is under 18 years of age at the
3 time of the offense, a prosecution for criminal sexual assault,
4 aggravated criminal sexual assault, predatory criminal sexual
5 assault of a child, aggravated criminal sexual abuse, felony
6 criminal sexual abuse, or female genital mutilation may be
7 commenced at any time.

8 (2) When in circumstances other than as described in
9 paragraph (1) of this subsection (j), when the victim is under
10 18 years of age at the time of the offense, a prosecution for
11 failure of a person who is required to report an alleged or
12 suspected commission of criminal sexual assault, aggravated
13 criminal sexual assault, predatory criminal sexual assault of a
14 child, aggravated criminal sexual abuse, or felony criminal
15 sexual abuse under the Abused and Neglected Child Reporting Act
16 may be commenced within 20 years after the child victim attains
17 18 years of age.

18 (3) When the victim is under 18 years of age at the time of
19 the offense, a prosecution for misdemeanor criminal sexual
20 abuse may be commenced within 10 years after the child victim
21 attains 18 years of age.

22 (4) Nothing in this subdivision (j) shall be construed to
23 shorten a period within which a prosecution must be commenced
24 under any other provision of this Section.

25 (j-5) A prosecution for armed robbery, home invasion,
26 kidnapping, or aggravated kidnaping may be commenced at any

1 time if it arises out of the same course of conduct and meets
2 the criteria under one of the offenses in subsection (j) of
3 this Section.

4 (k) (Blank).

5 (l) A prosecution for any offense set forth in Section 26-4
6 of this Code may be commenced within one year after the
7 discovery of the offense by the victim of that offense.

8 (l-5) A prosecution for any offense involving sexual
9 conduct or sexual penetration, as defined in Section 11-0.1 of
10 this Code, in which the victim was 18 years of age or older at
11 the time of the offense, may be commenced within one year after
12 the discovery of the offense by the victim when corroborating
13 physical evidence is available. The charging document shall
14 state that the statute of limitations is extended under this
15 subsection (l-5) and shall state the circumstances justifying
16 the extension. Nothing in this subsection (l-5) shall be
17 construed to shorten a period within which a prosecution must
18 be commenced under any other provision of this Section or
19 Section 3-5 of this Code.

20 (m) The prosecution shall not be required to prove at trial
21 facts which extend the general limitations in Section 3-5 of
22 this Code when the facts supporting extension of the period of
23 general limitations are properly pled in the charging document.
24 Any challenge relating to the extension of the general
25 limitations period as defined in this Section shall be
26 exclusively conducted under Section 114-1 of the Code of

1 Criminal Procedure of 1963.

2 (n) A prosecution for any offense set forth in subsection
3 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
4 Illinois Public Aid Code, in which the total amount of money
5 involved is \$5,000 or more, including the monetary value of
6 food stamps and the value of commodities under Section 16-1 of
7 this Code may be commenced within 5 years of the last act
8 committed in furtherance of the offense.

9 (Source: P.A. 100-80, eff. 8-11-17; 100-318, eff. 8-24-17;
10 100-434, eff. 1-1-18; 100-863, eff. 8-14-18; 100-998, eff.
11 1-1-19; 100-1010, eff. 1-1-19; 100-1087, eff. 1-1-19; 101-18,
12 eff. 1-1-20; 101-81, eff. 7-12-19; 101-130, eff. 1-1-20;
13 101-285, eff. 1-1-20; revised 9-23-19.)

14 (720 ILCS 5/9-3.2) (from Ch. 38, par. 9-3.2)

15 Sec. 9-3.2. Involuntary manslaughter and reckless homicide
16 of an unborn child.

17 (a) A person who unintentionally kills an unborn child
18 without lawful justification commits involuntary manslaughter
19 of an unborn child if his acts whether lawful or unlawful which
20 cause the death are such as are likely to cause death or great
21 bodily harm to some individual, and he performs them
22 recklessly, except in cases in which the cause of death
23 consists of the driving of a motor vehicle, in which case the
24 person commits reckless homicide of an unborn child.

25 (b) Sentence.

1 (1) Involuntary manslaughter of an unborn child is a
2 Class 3 felony.

3 (2) Reckless homicide of an unborn child is a Class 3
4 felony.

5 (c) For purposes of this Section, (1) "unborn child" shall
6 mean any individual of the human species from the implantation
7 of an embryo until birth, and (2) "person" shall not include
8 the pregnant individual whose unborn child is killed.

9 (d) This Section shall not apply to acts which cause the
10 death of an unborn child if those acts were committed during
11 any abortion, as defined in Section 1-10 of the Reproductive
12 Health Act,⁷ to which the pregnant individual has consented.
13 This Section shall not apply to acts which were committed
14 pursuant to usual and customary standards of medical practice
15 during diagnostic testing or therapeutic treatment.

16 (e) The provisions of this Section shall not be construed
17 to prohibit the prosecution of any person under any other
18 provision of law, nor shall it be construed to preclude any
19 civil cause of action.

20 (Source: P.A. 101-13, eff. 6-12-19; revised 7-23-19.)

21 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

22 Sec. 12-2. Aggravated assault.

23 (a) Offense based on location of conduct. A person commits
24 aggravated assault when he or she commits an assault against an
25 individual who is on or about a public way, public property, a

1 public place of accommodation or amusement, or a sports venue,
2 or in a church, synagogue, mosque, or other building,
3 structure, or place used for religious worship.

4 (b) Offense based on status of victim. A person commits
5 aggravated assault when, in committing an assault, he or she
6 knows the individual assaulted to be any of the following:

7 (1) A person with a physical disability or a person 60
8 years of age or older and the assault is without legal
9 justification.

10 (2) A teacher or school employee upon school grounds or
11 grounds adjacent to a school or in any part of a building
12 used for school purposes.

13 (3) A park district employee upon park grounds or
14 grounds adjacent to a park or in any part of a building
15 used for park purposes.

16 (4) A community policing volunteer, private security
17 officer, or utility worker:

18 (i) performing his or her official duties;

19 (ii) assaulted to prevent performance of his or her
20 official duties; or

21 (iii) assaulted in retaliation for performing his
22 or her official duties.

23 (4.1) A peace officer, fireman, emergency management
24 worker, or emergency medical services personnel:

25 (i) performing his or her official duties;

26 (ii) assaulted to prevent performance of his or her

1 official duties; or

2 (iii) assaulted in retaliation for performing his
3 or her official duties.

4 (5) A correctional officer or probation officer:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or her
7 official duties; or

8 (iii) assaulted in retaliation for performing his
9 or her official duties.

10 (6) A correctional institution employee, a county
11 juvenile detention center employee who provides direct and
12 continuous supervision of residents of a juvenile
13 detention center, including a county juvenile detention
14 center employee who supervises recreational activity for
15 residents of a juvenile detention center, or a Department
16 of Human Services employee, Department of Human Services
17 officer, or employee of a subcontractor of the Department
18 of Human Services supervising or controlling sexually
19 dangerous persons or sexually violent persons:

20 (i) performing his or her official duties;

21 (ii) assaulted to prevent performance of his or her
22 official duties; or

23 (iii) assaulted in retaliation for performing his
24 or her official duties.

25 (7) An employee of the State of Illinois, a municipal
26 corporation therein, or a political subdivision thereof,

1 performing his or her official duties.

2 (8) A transit employee performing his or her official
3 duties, or a transit passenger.

4 (9) A sports official or coach actively participating
5 in any level of athletic competition within a sports venue,
6 on an indoor playing field or outdoor playing field, or
7 within the immediate vicinity of such a facility or field.

8 (10) A person authorized to serve process under Section
9 2-202 of the Code of Civil Procedure or a special process
10 server appointed by the circuit court, while that
11 individual is in the performance of his or her duties as a
12 process server.

13 (c) Offense based on use of firearm, device, or motor
14 vehicle. A person commits aggravated assault when, in
15 committing an assault, he or she does any of the following:

16 (1) Uses a deadly weapon, an air rifle as defined in
17 Section 24.8-0.1 of this Act, or any device manufactured
18 and designed to be substantially similar in appearance to a
19 firearm, other than by discharging a firearm.

20 (2) Discharges a firearm, other than from a motor
21 vehicle.

22 (3) Discharges a firearm from a motor vehicle.

23 (4) Wears a hood, robe, or mask to conceal his or her
24 identity.

25 (5) Knowingly and without lawful justification shines
26 or flashes a laser gun sight or other laser device attached

1 to a firearm, or used in concert with a firearm, so that
2 the laser beam strikes near or in the immediate vicinity of
3 any person.

4 (6) Uses a firearm, other than by discharging the
5 firearm, against a peace officer, community policing
6 volunteer, fireman, private security officer, emergency
7 management worker, emergency medical services personnel,
8 employee of a police department, employee of a sheriff's
9 department, or traffic control municipal employee:

10 (i) performing his or her official duties;

11 (ii) assaulted to prevent performance of his or her
12 official duties; or

13 (iii) assaulted in retaliation for performing his
14 or her official duties.

15 (7) Without justification operates a motor vehicle in a
16 manner which places a person, other than a person listed in
17 subdivision (b) (4), in reasonable apprehension of being
18 struck by the moving motor vehicle.

19 (8) Without justification operates a motor vehicle in a
20 manner which places a person listed in subdivision (b) (4),
21 in reasonable apprehension of being struck by the moving
22 motor vehicle.

23 (9) Knowingly video or audio records the offense with
24 the intent to disseminate the recording.

25 (d) Sentence. Aggravated assault as defined in subdivision
26 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),

1 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
2 aggravated assault as defined in subdivision (b) (4) and (b) (7)
3 is a Class 4 felony if a Category I, Category II, or Category
4 III weapon is used in the commission of the assault. Aggravated
5 assault as defined in subdivision (b) (4.1), (b) (5), (b) (6),
6 (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
7 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
8 is a Class 3 felony.

9 (e) For the purposes of this Section, "Category I weapon",
10 "Category II weapon", and "Category III weapon" have the
11 meanings ascribed to those terms in Section 33A-1 of this Code.
12 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

13 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

14 Sec. 12-3.05. Aggravated battery.

15 (a) Offense based on injury. A person commits aggravated
16 battery when, in committing a battery, other than by the
17 discharge of a firearm, he or she knowingly does any of the
18 following:

19 (1) Causes great bodily harm or permanent disability or
20 disfigurement.

21 (2) Causes severe and permanent disability, great
22 bodily harm, or disfigurement by means of a caustic or
23 flammable substance, a poisonous gas, a deadly biological
24 or chemical contaminant or agent, a radioactive substance,
25 or a bomb or explosive compound.

1 (3) Causes great bodily harm or permanent disability or
2 disfigurement to an individual whom the person knows to be
3 a peace officer, community policing volunteer, fireman,
4 private security officer, correctional institution
5 employee, or Department of Human Services employee
6 supervising or controlling sexually dangerous persons or
7 sexually violent persons:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (4) Causes great bodily harm or permanent disability or
14 disfigurement to an individual 60 years of age or older.

15 (5) Strangles another individual.

16 (b) Offense based on injury to a child or person with an
17 intellectual disability. A person who is at least 18 years of
18 age commits aggravated battery when, in committing a battery,
19 he or she knowingly and without legal justification by any
20 means:

21 (1) causes great bodily harm or permanent disability or
22 disfigurement to any child under the age of 13 years, or to
23 any person with a severe or profound intellectual
24 disability; or

25 (2) causes bodily harm or disability or disfigurement
26 to any child under the age of 13 years or to any person

1 with a severe or profound intellectual disability.

2 (c) Offense based on location of conduct. A person commits
3 aggravated battery when, in committing a battery, other than by
4 the discharge of a firearm, he or she is or the person battered
5 is on or about a public way, public property, a public place of
6 accommodation or amusement, a sports venue, or a domestic
7 violence shelter, or in a church, synagogue, mosque, or other
8 building, structure, or place used for religious worship.

9 (d) Offense based on status of victim. A person commits
10 aggravated battery when, in committing a battery, other than by
11 discharge of a firearm, he or she knows the individual battered
12 to be any of the following:

13 (1) A person 60 years of age or older.

14 (2) A person who is pregnant or has a physical
15 disability.

16 (3) A teacher or school employee upon school grounds or
17 grounds adjacent to a school or in any part of a building
18 used for school purposes.

19 (4) A peace officer, community policing volunteer,
20 fireman, private security officer, correctional
21 institution employee, or Department of Human Services
22 employee supervising or controlling sexually dangerous
23 persons or sexually violent persons:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (5) A judge, emergency management worker, emergency
4 medical services personnel, or utility worker:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (6) An officer or employee of the State of Illinois, a
11 unit of local government, or a school district, while
12 performing his or her official duties.

13 (7) A transit employee performing his or her official
14 duties, or a transit passenger.

15 (8) A taxi driver on duty.

16 (9) A merchant who detains the person for an alleged
17 commission of retail theft under Section 16-26 of this Code
18 and the person without legal justification by any means
19 causes bodily harm to the merchant.

20 (10) A person authorized to serve process under Section
21 2-202 of the Code of Civil Procedure or a special process
22 server appointed by the circuit court while that individual
23 is in the performance of his or her duties as a process
24 server.

25 (11) A nurse while in the performance of his or her
26 duties as a nurse.

1 (e) Offense based on use of a firearm. A person commits
2 aggravated battery when, in committing a battery, he or she
3 knowingly does any of the following:

4 (1) Discharges a firearm, other than a machine gun or a
5 firearm equipped with a silencer, and causes any injury to
6 another person.

7 (2) Discharges a firearm, other than a machine gun or a
8 firearm equipped with a silencer, and causes any injury to
9 a person he or she knows to be a peace officer, community
10 policing volunteer, person summoned by a police officer,
11 fireman, private security officer, correctional
12 institution employee, or emergency management worker:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (3) Discharges a firearm, other than a machine gun or a
19 firearm equipped with a silencer, and causes any injury to
20 a person he or she knows to be emergency medical services
21 personnel:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (4) Discharges a firearm and causes any injury to a
2 person he or she knows to be a teacher, a student in a
3 school, or a school employee, and the teacher, student, or
4 employee is upon school grounds or grounds adjacent to a
5 school or in any part of a building used for school
6 purposes.

7 (5) Discharges a machine gun or a firearm equipped with
8 a silencer, and causes any injury to another person.

9 (6) Discharges a machine gun or a firearm equipped with
10 a silencer, and causes any injury to a person he or she
11 knows to be a peace officer, community policing volunteer,
12 person summoned by a police officer, fireman, private
13 security officer, correctional institution employee or
14 emergency management worker:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (7) Discharges a machine gun or a firearm equipped with
21 a silencer, and causes any injury to a person he or she
22 knows to be emergency medical services personnel:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (8) Discharges a machine gun or a firearm equipped with
3 a silencer, and causes any injury to a person he or she
4 knows to be a teacher, or a student in a school, or a
5 school employee, and the teacher, student, or employee is
6 upon school grounds or grounds adjacent to a school or in
7 any part of a building used for school purposes.

8 (f) Offense based on use of a weapon or device. A person
9 commits aggravated battery when, in committing a battery, he or
10 she does any of the following:

11 (1) Uses a deadly weapon other than by discharge of a
12 firearm, or uses an air rifle as defined in Section
13 24.8-0.1 of this Code.

14 (2) Wears a hood, robe, or mask to conceal his or her
15 identity.

16 (3) Knowingly and without lawful justification shines
17 or flashes a laser gunsight or other laser device attached
18 to a firearm, or used in concert with a firearm, so that
19 the laser beam strikes upon or against the person of
20 another.

21 (4) Knowingly video or audio records the offense with
22 the intent to disseminate the recording.

23 (g) Offense based on certain conduct. A person commits
24 aggravated battery when, other than by discharge of a firearm,
25 he or she does any of the following:

26 (1) Violates Section 401 of the Illinois Controlled

1 Substances Act by unlawfully delivering a controlled
2 substance to another and any user experiences great bodily
3 harm or permanent disability as a result of the injection,
4 inhalation, or ingestion of any amount of the controlled
5 substance.

6 (2) Knowingly administers to an individual or causes
7 him or her to take, without his or her consent or by threat
8 or deception, and for other than medical purposes, any
9 intoxicating, poisonous, stupefying, narcotic, anesthetic,
10 or controlled substance, or gives to another person any
11 food containing any substance or object intended to cause
12 physical injury if eaten.

13 (3) Knowingly causes or attempts to cause a
14 correctional institution employee or Department of Human
15 Services employee to come into contact with blood, seminal
16 fluid, urine, or feces by throwing, tossing, or expelling
17 the fluid or material, and the person is an inmate of a
18 penal institution or is a sexually dangerous person or
19 sexually violent person in the custody of the Department of
20 Human Services.

21 (h) Sentence. Unless otherwise provided, aggravated
22 battery is a Class 3 felony.

23 Aggravated battery as defined in subdivision (a)(4),
24 (d)(4), or (g)(3) is a Class 2 felony.

25 Aggravated battery as defined in subdivision (a)(3) or
26 (g)(1) is a Class 1 felony.

1 Aggravated battery as defined in subdivision (a)(1) is a
2 Class 1 felony when the aggravated battery was intentional and
3 involved the infliction of torture, as defined in paragraph
4 (14) of subsection (b) of Section 9-1 of this Code, as the
5 infliction of or subjection to extreme physical pain, motivated
6 by an intent to increase or prolong the pain, suffering, or
7 agony of the victim.

8 Aggravated battery as defined in subdivision (a)(1) is a
9 Class 2 felony when the person causes great bodily harm or
10 permanent disability to an individual whom the person knows to
11 be a member of a congregation engaged in prayer or other
12 religious activities at a church, synagogue, mosque, or other
13 building, structure, or place used for religious worship.

14 Aggravated battery under subdivision (a)(5) is a Class 1
15 felony if:

16 (A) the person used or attempted to use a dangerous
17 instrument while committing the offense; ~~or~~

18 (B) the person caused great bodily harm or permanent
19 disability or disfigurement to the other person while
20 committing the offense; or

21 (C) the person has been previously convicted of a
22 violation of subdivision (a)(5) under the laws of this
23 State or laws similar to subdivision (a)(5) of any other
24 state.

25 Aggravated battery as defined in subdivision (e)(1) is a
26 Class X felony.

1 Aggravated battery as defined in subdivision (a)(2) is a
2 Class X felony for which a person shall be sentenced to a term
3 of imprisonment of a minimum of 6 years and a maximum of 45
4 years.

5 Aggravated battery as defined in subdivision (e)(5) is a
6 Class X felony for which a person shall be sentenced to a term
7 of imprisonment of a minimum of 12 years and a maximum of 45
8 years.

9 Aggravated battery as defined in subdivision (e)(2),
10 (e)(3), or (e)(4) is a Class X felony for which a person shall
11 be sentenced to a term of imprisonment of a minimum of 15 years
12 and a maximum of 60 years.

13 Aggravated battery as defined in subdivision (e)(6),
14 (e)(7), or (e)(8) is a Class X felony for which a person shall
15 be sentenced to a term of imprisonment of a minimum of 20 years
16 and a maximum of 60 years.

17 Aggravated battery as defined in subdivision (b)(1) is a
18 Class X felony, except that:

19 (1) if the person committed the offense while armed
20 with a firearm, 15 years shall be added to the term of
21 imprisonment imposed by the court;

22 (2) if, during the commission of the offense, the
23 person personally discharged a firearm, 20 years shall be
24 added to the term of imprisonment imposed by the court;

25 (3) if, during the commission of the offense, the
26 person personally discharged a firearm that proximately

1 caused great bodily harm, permanent disability, permanent
2 disfigurement, or death to another person, 25 years or up
3 to a term of natural life shall be added to the term of
4 imprisonment imposed by the court.

5 (i) Definitions. In this Section:

6 "Building or other structure used to provide shelter" has
7 the meaning ascribed to "shelter" in Section 1 of the Domestic
8 Violence Shelters Act.

9 "Domestic violence" has the meaning ascribed to it in
10 Section 103 of the Illinois Domestic Violence Act of 1986.

11 "Domestic violence shelter" means any building or other
12 structure used to provide shelter or other services to victims
13 or to the dependent children of victims of domestic violence
14 pursuant to the Illinois Domestic Violence Act of 1986 or the
15 Domestic Violence Shelters Act, or any place within 500 feet of
16 such a building or other structure in the case of a person who
17 is going to or from such a building or other structure.

18 "Firearm" has the meaning provided under Section 1.1 of the
19 Firearm Owners Identification Card Act, and does not include an
20 air rifle as defined by Section 24.8-0.1 of this Code.

21 "Machine gun" has the meaning ascribed to it in Section
22 24-1 of this Code.

23 "Merchant" has the meaning ascribed to it in Section 16-0.1
24 of this Code.

25 "Strangle" means intentionally impeding the normal
26 breathing or circulation of the blood of an individual by

1 applying pressure on the throat or neck of that individual or
2 by blocking the nose or mouth of that individual.

3 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

4 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

5 Sec. 28-1. Gambling.

6 (a) A person commits gambling when he or she:

7 (1) knowingly plays a game of chance or skill for money
8 or other thing of value, unless excepted in subsection (b)
9 of this Section;

10 (2) knowingly makes a wager upon the result of any
11 game, contest, or any political nomination, appointment or
12 election;

13 (3) knowingly operates, keeps, owns, uses, purchases,
14 exhibits, rents, sells, bargains for the sale or lease of,
15 manufactures or distributes any gambling device;

16 (4) contracts to have or give himself or herself or
17 another the option to buy or sell, or contracts to buy or
18 sell, at a future time, any grain or other commodity
19 whatsoever, or any stock or security of any company, where
20 it is at the time of making such contract intended by both
21 parties thereto that the contract to buy or sell, or the
22 option, whenever exercised, or the contract resulting
23 therefrom, shall be settled, not by the receipt or delivery
24 of such property, but by the payment only of differences in
25 prices thereof; however, the issuance, purchase, sale,

1 exercise, endorsement or guarantee, by or through a person
2 registered with the Secretary of State pursuant to Section
3 8 of the Illinois Securities Law of 1953, or by or through
4 a person exempt from such registration under said Section
5 8, of a put, call, or other option to buy or sell
6 securities which have been registered with the Secretary of
7 State or which are exempt from such registration under
8 Section 3 of the Illinois Securities Law of 1953 is not
9 gambling within the meaning of this paragraph (4);

10 (5) knowingly owns or possesses any book, instrument or
11 apparatus by means of which bets or wagers have been, or
12 are, recorded or registered, or knowingly possesses any
13 money which he has received in the course of a bet or
14 wager;

15 (6) knowingly sells pools upon the result of any game
16 or contest of skill or chance, political nomination,
17 appointment or election;

18 (7) knowingly sets up or promotes any lottery or sells,
19 offers to sell or transfers any ticket or share for any
20 lottery;

21 (8) knowingly sets up or promotes any policy game or
22 sells, offers to sell or knowingly possesses or transfers
23 any policy ticket, slip, record, document or other similar
24 device;

25 (9) knowingly drafts, prints or publishes any lottery
26 ticket or share, or any policy ticket, slip, record,

1 document or similar device, except for such activity
2 related to lotteries, bingo games and raffles authorized by
3 and conducted in accordance with the laws of Illinois or
4 any other state or foreign government;

5 (10) knowingly advertises any lottery or policy game,
6 except for such activity related to lotteries, bingo games
7 and raffles authorized by and conducted in accordance with
8 the laws of Illinois or any other state;

9 (11) knowingly transmits information as to wagers,
10 betting odds, or changes in betting odds by telephone,
11 telegraph, radio, semaphore or similar means; or knowingly
12 installs or maintains equipment for the transmission or
13 receipt of such information; except that nothing in this
14 subdivision (11) prohibits transmission or receipt of such
15 information for use in news reporting of sporting events or
16 contests; or

17 (12) knowingly establishes, maintains, or operates an
18 Internet site that permits a person to play a game of
19 chance or skill for money or other thing of value by means
20 of the Internet or to make a wager upon the result of any
21 game, contest, political nomination, appointment, or
22 election by means of the Internet. This item (12) does not
23 apply to activities referenced in items (6), (6.1), (8),
24 ~~and~~ (8.1), and (15) of subsection (b) of this Section.

25 (b) Participants in any of the following activities shall
26 not be convicted of gambling:

1 (1) Agreements to compensate for loss caused by the
2 happening of chance including without limitation contracts
3 of indemnity or guaranty and life or health or accident
4 insurance.

5 (2) Offers of prizes, award or compensation to the
6 actual contestants in any bona fide contest for the
7 determination of skill, speed, strength or endurance or to
8 the owners of animals or vehicles entered in such contest.

9 (3) Pari-mutuel betting as authorized by the law of
10 this State.

11 (4) Manufacture of gambling devices, including the
12 acquisition of essential parts therefor and the assembly
13 thereof, for transportation in interstate or foreign
14 commerce to any place outside this State when such
15 transportation is not prohibited by any applicable Federal
16 law; or the manufacture, distribution, or possession of
17 video gaming terminals, as defined in the Video Gaming Act,
18 by manufacturers, distributors, and terminal operators
19 licensed to do so under the Video Gaming Act.

20 (5) The game commonly known as "bingo", when conducted
21 in accordance with the Bingo License and Tax Act.

22 (6) Lotteries when conducted by the State of Illinois
23 in accordance with the Illinois Lottery Law. This exemption
24 includes any activity conducted by the Department of
25 Revenue to sell lottery tickets pursuant to the provisions
26 of the Illinois Lottery Law and its rules.

1 (6.1) The purchase of lottery tickets through the
2 Internet for a lottery conducted by the State of Illinois
3 under the program established in Section 7.12 of the
4 Illinois Lottery Law.

5 (7) Possession of an antique slot machine that is
6 neither used nor intended to be used in the operation or
7 promotion of any unlawful gambling activity or enterprise.
8 For the purpose of this subparagraph (b)(7), an antique
9 slot machine is one manufactured 25 years ago or earlier.

10 (8) Raffles and poker runs when conducted in accordance
11 with the Raffles and Poker Runs Act.

12 (8.1) The purchase of raffle chances for a raffle
13 conducted in accordance with the Raffles and Poker Runs
14 Act.

15 (9) Charitable games when conducted in accordance with
16 the Charitable Games Act.

17 (10) Pull tabs and jar games when conducted under the
18 Illinois Pull Tabs and Jar Games Act.

19 (11) Gambling games when authorized by the Illinois
20 Gambling Act.

21 (12) Video gaming terminal games at a licensed
22 establishment, licensed truck stop establishment, licensed
23 large truck stop establishment, licensed fraternal
24 establishment, or licensed veterans establishment when
25 conducted in accordance with the Video Gaming Act.

26 (13) Games of skill or chance where money or other

1 things of value can be won but no payment or purchase is
2 required to participate.

3 (14) Savings promotion raffles authorized under
4 Section 5g of the Illinois Banking Act, Section 7008 of the
5 Savings Bank Act, Section 42.7 of the Illinois Credit Union
6 Act, Section 5136B of the National Bank Act (12 U.S.C.
7 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C.
8 1463).

9 (15) Sports wagering when conducted in accordance with
10 the Sports Wagering Act.

11 (c) Sentence.

12 Gambling is a Class A misdemeanor. A second or subsequent
13 conviction under subsections (a) (3) through (a) (12), is a Class
14 4 felony.

15 (d) Circumstantial evidence.

16 In prosecutions under this Section circumstantial evidence
17 shall have the same validity and weight as in any criminal
18 prosecution.

19 (Source: P.A. 101-31, Article 25, Section 25-915, eff. 6-28-19;
20 101-31, Article 35, Section 35-80, eff. 6-28-19; 101-109, eff.
21 7-19-19; revised 8-6-19.)

22 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

23 Sec. 28-2. Definitions.

24 (a) A "gambling device" is any clock, tape machine, slot
25 machine or other machines or device for the reception of money

1 or other thing of value on chance or skill or upon the action
2 of which money or other thing of value is staked, hazarded,
3 bet, won, or lost; or any mechanism, furniture, fixture,
4 equipment, or other device designed primarily for use in a
5 gambling place. A "gambling device" does not include:

6 (1) A coin-in-the-slot operated mechanical device
7 played for amusement which rewards the player with the
8 right to replay such mechanical device, which device is so
9 constructed or devised as to make such result of the
10 operation thereof depend in part upon the skill of the
11 player and which returns to the player thereof no money,
12 property, or right to receive money or property.

13 (2) Vending machines by which full and adequate return
14 is made for the money invested and in which there is no
15 element of chance or hazard.

16 (3) A crane game. For the purposes of this paragraph
17 (3), a "crane game" is an amusement device involving skill,
18 if it rewards the player exclusively with merchandise
19 contained within the amusement device proper and limited to
20 toys, novelties, and prizes other than currency, each
21 having a wholesale value which is not more than \$25.

22 (4) A redemption machine. For the purposes of this
23 paragraph (4), a "redemption machine" is a single-player or
24 multi-player amusement device involving a game, the object
25 of which is throwing, rolling, bowling, shooting, placing,
26 or propelling a ball or other object that is either

1 physical or computer generated on a display or with lights
2 into, upon, or against a hole or other target that is
3 either physical or computer generated on a display or with
4 lights, or stopping, by physical, mechanical, or
5 electronic means, a moving object that is either physical
6 or computer generated on a display or with lights into,
7 upon, or against a hole or other target that is either
8 physical or computer generated on a display or with lights,
9 provided that all of the following conditions are met:

10 (A) The outcome of the game is predominantly
11 determined by the skill of the player.

12 (B) The award of the prize is based solely upon the
13 player's achieving the object of the game or otherwise
14 upon the player's score.

15 (C) Only merchandise prizes are awarded.

16 (D) The wholesale value of prizes awarded in lieu
17 of tickets or tokens for single play of the device does
18 not exceed \$25.

19 (E) The redemption value of tickets, tokens, and
20 other representations of value, which may be
21 accumulated by players to redeem prizes of greater
22 value, for a single play of the device does not exceed
23 \$25.

24 (5) Video gaming terminals at a licensed
25 establishment, licensed truck stop establishment, licensed
26 large truck stop establishment, licensed fraternal

1 establishment, or licensed veterans establishment licensed
2 in accordance with the Video Gaming Act.

3 (a-5) "Internet" means an interactive computer service or
4 system or an information service, system, or access software
5 provider that provides or enables computer access by multiple
6 users to a computer server, and includes, but is not limited
7 to, an information service, system, or access software provider
8 that provides access to a network system commonly known as the
9 Internet, or any comparable system or service and also
10 includes, but is not limited to, a World Wide Web page,
11 newsgroup, message board, mailing list, or chat area on any
12 interactive computer service or system or other online service.

13 (a-6) "Access" has the meaning ascribed to the term in
14 Section 17-55.

15 (a-7) "Computer" has the meaning ascribed to the term in
16 Section 17-0.5.

17 (b) A "lottery" is any scheme or procedure whereby one or
18 more prizes are distributed by chance among persons who have
19 paid or promised consideration for a chance to win such prizes,
20 whether such scheme or procedure is called a lottery, raffle,
21 gift, sale, or some other name, excluding savings promotion
22 raffles authorized under Section 5g of the Illinois Banking
23 Act, Section 7008 of the Savings Bank Act, Section 42.7 of the
24 Illinois Credit Union Act, Section 5136B of the National Bank
25 Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act
26 (12 U.S.C. 1463).

1 (c) A "policy game" is any scheme or procedure whereby a
2 person promises or guarantees by any instrument, bill,
3 certificate, writing, token, or other device that any
4 particular number, character, ticket, or certificate shall in
5 the event of any contingency in the nature of a lottery entitle
6 the purchaser or holder to receive money, property, or evidence
7 of debt.

8 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;
9 revised 8-6-19.)

10 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

11 Sec. 28-3. Keeping a gambling place. A "gambling place" is
12 any real estate, vehicle, boat, or any other property
13 whatsoever used for the purposes of gambling other than
14 gambling conducted in the manner authorized by the Illinois
15 Gambling Act, the Sports Wagering Act, or the Video Gaming Act.
16 Any person who knowingly permits any premises or property owned
17 or occupied by him or under his control to be used as a
18 gambling place commits a Class A misdemeanor. Each subsequent
19 offense is a Class 4 felony. When any premises is determined by
20 the circuit court to be a gambling place:

21 (a) Such premises is a public nuisance and may be
22 proceeded against as such, and

23 (b) All licenses, permits or certificates issued by the
24 State of Illinois or any subdivision or public agency
25 thereof authorizing the serving of food or liquor on such

1 premises shall be void; and no license, permit or
2 certificate so cancelled shall be reissued for such
3 premises for a period of 60 days thereafter; nor shall any
4 person convicted of keeping a gambling place be reissued
5 such license for one year from his conviction and, after a
6 second conviction of keeping a gambling place, any such
7 person shall not be reissued such license, and

8 (c) Such premises of any person who knowingly permits
9 thereon a violation of any Section of this Article shall be
10 held liable for, and may be sold to pay any unsatisfied
11 judgment that may be recovered and any unsatisfied fine
12 that may be levied under any Section of this Article.

13 (Source: P.A. 101-31, Article 25, Section 25-915, eff. 6-28-19;
14 101-31, Article 35, Section 35-80, eff. 6-28-19; revised
15 7-12-19.)

16 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

17 Sec. 28-5. Seizure of gambling devices and gambling funds.

18 (a) Every device designed for gambling which is incapable
19 of lawful use or every device used unlawfully for gambling
20 shall be considered a "gambling device", and shall be subject
21 to seizure, confiscation and destruction by the Department of
22 State Police or by any municipal, or other local authority,
23 within whose jurisdiction the same may be found. As used in
24 this Section, a "gambling device" includes any slot machine,
25 and includes any machine or device constructed for the

1 reception of money or other thing of value and so constructed
2 as to return, or to cause someone to return, on chance to the
3 player thereof money, property or a right to receive money or
4 property. With the exception of any device designed for
5 gambling which is incapable of lawful use, no gambling device
6 shall be forfeited or destroyed unless an individual with a
7 property interest in said device knows of the unlawful use of
8 the device.

9 (b) Every gambling device shall be seized and forfeited to
10 the county wherein such seizure occurs. Any money or other
11 thing of value integrally related to acts of gambling shall be
12 seized and forfeited to the county wherein such seizure occurs.

13 (c) If, within 60 days after any seizure pursuant to
14 subparagraph (b) of this Section, a person having any property
15 interest in the seized property is charged with an offense, the
16 court which renders judgment upon such charge shall, within 30
17 days after such judgment, conduct a forfeiture hearing to
18 determine whether such property was a gambling device at the
19 time of seizure. Such hearing shall be commenced by a written
20 petition by the State, including material allegations of fact,
21 the name and address of every person determined by the State to
22 have any property interest in the seized property, a
23 representation that written notice of the date, time and place
24 of such hearing has been mailed to every such person by
25 certified mail at least 10 days before such date, and a request
26 for forfeiture. Every such person may appear as a party and

1 present evidence at such hearing. The quantum of proof required
2 shall be a preponderance of the evidence, and the burden of
3 proof shall be on the State. If the court determines that the
4 seized property was a gambling device at the time of seizure,
5 an order of forfeiture and disposition of the seized property
6 shall be entered: a gambling device shall be received by the
7 State's Attorney, who shall effect its destruction, except that
8 valuable parts thereof may be liquidated and the resultant
9 money shall be deposited in the general fund of the county
10 wherein such seizure occurred; money and other things of value
11 shall be received by the State's Attorney and, upon
12 liquidation, shall be deposited in the general fund of the
13 county wherein such seizure occurred. However, in the event
14 that a defendant raises the defense that the seized slot
15 machine is an antique slot machine described in subparagraph
16 (b) (7) of Section 28-1 of this Code and therefore he is exempt
17 from the charge of a gambling activity participant, the seized
18 antique slot machine shall not be destroyed or otherwise
19 altered until a final determination is made by the Court as to
20 whether it is such an antique slot machine. Upon a final
21 determination by the Court of this question in favor of the
22 defendant, such slot machine shall be immediately returned to
23 the defendant. Such order of forfeiture and disposition shall,
24 for the purposes of appeal, be a final order and judgment in a
25 civil proceeding.

26 (d) If a seizure pursuant to subparagraph (b) of this

1 Section is not followed by a charge pursuant to subparagraph
2 (c) of this Section, or if the prosecution of such charge is
3 permanently terminated or indefinitely discontinued without
4 any judgment of conviction or acquittal (1) the State's
5 Attorney shall commence an in rem proceeding for the forfeiture
6 and destruction of a gambling device, or for the forfeiture and
7 deposit in the general fund of the county of any seized money
8 or other things of value, or both, in the circuit court and (2)
9 any person having any property interest in such seized gambling
10 device, money or other thing of value may commence separate
11 civil proceedings in the manner provided by law.

12 (e) Any gambling device displayed for sale to a riverboat
13 gambling operation, casino gambling operation, or organization
14 gaming facility or used to train occupational licensees of a
15 riverboat gambling operation, casino gambling operation, or
16 organization gaming facility as authorized under the Illinois
17 Gambling Act is exempt from seizure under this Section.

18 (f) Any gambling equipment, devices, and supplies provided
19 by a licensed supplier in accordance with the Illinois Gambling
20 Act which are removed from a riverboat, casino, or organization
21 gaming facility for repair are exempt from seizure under this
22 Section.

23 (g) The following video gaming terminals are exempt from
24 seizure under this Section:

25 (1) Video gaming terminals for sale to a licensed
26 distributor or operator under the Video Gaming Act.

1 (2) Video gaming terminals used to train licensed
2 technicians or licensed terminal handlers.

3 (3) Video gaming terminals that are removed from a
4 licensed establishment, licensed truck stop establishment,
5 licensed large truck stop establishment, licensed
6 fraternal establishment, or licensed veterans
7 establishment for repair.

8 (h) Property seized or forfeited under this Section is
9 subject to reporting under the Seizure and Forfeiture Reporting
10 Act.

11 (i) Any sports lottery terminals provided by a central
12 system provider that are removed from a lottery retailer for
13 repair under the Sports Wagering Act are exempt from seizure
14 under this Section.

15 (Source: P.A. 100-512, eff. 7-1-18; 101-31, Article 25, Section
16 25-915, eff. 6-28-19; 101-31, Article 35, Section 35-80, eff.
17 6-28-19; revised 7-12-19.)

18 (720 ILCS 5/29B-21)

19 Sec. 29B-21. Attorney's fees. Nothing in this Article
20 applies to property that constitutes reasonable bona fide
21 attorney's fees paid to an attorney for services rendered or to
22 be rendered in the forfeiture proceeding or criminal proceeding
23 relating directly thereto if the property was paid before its
24 seizure and before the issuance of any seizure warrant or court
25 order prohibiting transfer of the property and if the attorney,

1 at the time he or she received the property, did not know that
2 it was property subject to forfeiture under this Article.

3 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18;
4 revised 7-12-19.)

5 Section 610. The Cannabis Control Act is amended by
6 changing Section 5.3 as follows:

7 (720 ILCS 550/5.3)

8 Sec. 5.3. Unlawful use of cannabis-based product
9 manufacturing equipment.

10 (a) A person commits unlawful use of cannabis-based product
11 manufacturing equipment when he or she knowingly engages in the
12 possession, procurement, transportation, storage, or delivery
13 of any equipment used in the manufacturing of any
14 cannabis-based product using volatile or explosive gas,
15 including, but not limited to, canisters of butane gas, with
16 the intent to manufacture, compound, covert, produce, derive,
17 process, or prepare either directly or indirectly any
18 cannabis-based product.

19 (b) This Section does not apply to a cultivation center or
20 cultivation center agent that prepares medical cannabis or
21 cannabis-infused products in compliance with the Compassionate
22 Use of Medical Cannabis Program Act and Department of Public
23 Health and Department of Agriculture rules.

24 (c) Sentence. A person who violates this Section is guilty

1 of a Class 2 felony.

2 (d) This Section does not apply to craft growers,
3 cultivation centers, and infuser organizations licensed under
4 the Cannabis Regulation and Tax Act.

5 (e) This Section does not apply to manufacturers of
6 cannabis-based product manufacturing equipment or transporting
7 organizations with documentation identifying the seller and
8 purchaser of the equipment if the seller or purchaser is a
9 craft grower, cultivation center, or infuser organization
10 licensed under the Cannabis Regulation and Tax Act.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19;
12 revised 9-23-19.)

13 Section 615. The Prevention of Tobacco Use by Persons under
14 21 Years of Age and Sale and Distribution of Tobacco Products
15 Act is amended by changing Section 2 as follows:

16 (720 ILCS 675/2) (from Ch. 23, par. 2358)

17 Sec. 2. Penalties.

18 (a) Any person who violates subsection (a), (a-5), (a-5.1),
19 (a-8), (b), or (d) of Section 1 of this Act is guilty of a petty
20 offense. For the first offense in a 24-month period, the person
21 shall be fined \$200 if his or her employer has a training
22 program that facilitates compliance with minimum-age tobacco
23 laws. For the second offense in a 24-month period, the person
24 shall be fined \$400 if his or her employer has a training

1 program that facilitates compliance with minimum-age tobacco
2 laws. For the third offense in a 24-month period, the person
3 shall be fined \$600 if his or her employer has a training
4 program that facilitates compliance with minimum-age tobacco
5 laws. For the fourth or subsequent offense in a 24-month
6 period, the person shall be fined \$800 if his or her employer
7 has a training program that facilitates compliance with
8 minimum-age tobacco laws. For the purposes of this subsection,
9 the 24-month period shall begin with the person's first
10 violation of the Act. The penalties in this subsection are in
11 addition to any other penalties prescribed under the Cigarette
12 Tax Act and the Tobacco Products Tax Act of 1995.

13 (a-5) Any retailer who violates subsection (a), (a-5),
14 (a-5.1), (a-8), (b), or (d) of Section 1 of this Act is guilty
15 of a petty offense. For the first offense in a 24-month period,
16 the retailer shall be fined \$200 if it does not have a training
17 program that facilitates compliance with minimum-age tobacco
18 laws. For the second offense in a 24-month period, the retailer
19 shall be fined \$400 if it does not have a training program that
20 facilitates compliance with minimum-age tobacco laws. For the
21 third offense within a 24-month period, the retailer shall be
22 fined \$600 if it does not have a training program that
23 facilitates compliance with minimum-age tobacco laws. For the
24 fourth or subsequent offense in a 24-month period, the retailer
25 shall be fined \$800 if it does not have a training program that
26 facilitates compliance with minimum-age tobacco laws. For the

1 purposes of this subsection, the 24-month period shall begin
2 with the person's first violation of the Act. The penalties in
3 this subsection are in addition to any other penalties
4 prescribed under the Cigarette Tax Act and the Tobacco Products
5 Tax Act of 1995.

6 (a-6) For the purpose of this Act, a training program that
7 facilitates compliance with minimum-age tobacco laws must
8 include at least the following elements: (i) it must explain
9 that only individuals displaying valid identification
10 demonstrating that they are 21 years of age or older shall be
11 eligible to purchase tobacco products, electronic cigarettes,
12 or alternative nicotine products and (ii) it must explain where
13 a clerk can check identification for a date of birth. The
14 training may be conducted electronically. Each retailer that
15 has a training program shall require each employee who
16 completes the training program to sign a form attesting that
17 the employee has received and completed tobacco training. The
18 form shall be kept in the employee's file and may be used to
19 provide proof of training.

20 (b) ~~(Blank).~~ If a person under 21 years of age violates
21 subsection (a-6) of Section 1, he or she is guilty of a Class A
22 misdemeanor.

23 (c) (Blank).

24 (d) (Blank).

25 (e) (Blank).

26 (f) (Blank).

1 (g) (Blank).

2 (h) All moneys collected as fines for violations of
3 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) ~~or~~
4 ~~(a-7)~~ of Section 1 shall be distributed in the following
5 manner:

6 (1) one-half of each fine shall be distributed to the
7 unit of local government or other entity that successfully
8 prosecuted the offender; and

9 (2) one-half shall be remitted to the State to be used
10 for enforcing this Act.

11 Any violation of subsection (a) or (a-5) of Section 1 shall
12 be reported to the Department of Revenue within 7 business
13 days.

14 (Source: P.A. 100-201, eff. 8-18-17; 101-2, eff. 7-1-19;
15 revised 4-29-19.)

16 Section 620. The Prevention of Cigarette Sales to Persons
17 under 21 Years of Age Act is amended by changing Section 7 as
18 follows:

19 (720 ILCS 678/7)

20 Sec. 7. Age verification and shipping requirements to
21 prevent delivery sales to persons under 21 years of age.

22 (a) No person, other than a delivery service, shall mail,
23 ship, or otherwise cause to be delivered a shipping package in
24 connection with a delivery sale unless the person:

1 (1) prior to the first delivery sale to the prospective
2 consumer, obtains from the prospective consumer a written
3 certification which includes a statement signed by the
4 prospective consumer that certifies:

5 (A) the prospective consumer's current address;

6 and

7 (B) that the prospective consumer is at least the
8 legal minimum age;

9 (2) informs, in writing, such prospective consumer
10 that:

11 (A) the signing of another person's name to the
12 certification described in this Section is illegal;

13 (B) sales of cigarettes to individuals under 21
14 years of age are illegal;

15 (C) the purchase of cigarettes by individuals
16 under 21 years of age is illegal; and

17 (D) the name and identity of the prospective
18 consumer may be reported to the state of the consumer's
19 current address under the Act of October 19, 1949 (15
20 U.S.C. § 375, et seq.), commonly known as the Jenkins
21 Act;

22 (3) makes a good faith effort to verify the date of
23 birth of the prospective consumer provided pursuant to this
24 Section by:

25 (A) comparing the date of birth against a
26 commercially available database; or

1 (B) obtaining a photocopy or other image of a
2 valid, government-issued identification stating the
3 date of birth or age of the prospective consumer;

4 (4) provides to the prospective consumer a notice that
5 meets the requirements of subsection (b);

6 (5) receives payment for the delivery sale from the
7 prospective consumer by a credit or debit card that has
8 been issued in such consumer's name, or by a check or other
9 written instrument in such consumer's name; and

10 (6) ensures that the shipping package is delivered to
11 the same address as is shown on the government-issued
12 identification or contained in the commercially available
13 database.

14 (b) The notice required under this Section shall include:

15 (1) a statement that cigarette sales to consumers below
16 21 years of age are illegal;

17 (2) a statement that sales of cigarettes are restricted
18 to those consumers who provide verifiable proof of age in
19 accordance with subsection (a);

20 (3) a statement that cigarette sales are subject to tax
21 under Section 2 of the Cigarette Tax Act (35 ILCS 130/2),
22 Section 2 of the Cigarette Use Tax Act, and Section 3 of
23 the Use Tax Act and an explanation of how the correct tax
24 has been, or is to be, paid with respect to such delivery
25 sale.

26 (c) A statement meets the requirement of this Section if:

- 1 (1) the statement is clear and conspicuous;
- 2 (2) the statement is contained in a printed box set
3 apart from the other contents of the communication;
- 4 (3) the statement is printed in bold, capital letters;
- 5 (4) the statement is printed with a degree of color
6 contrast between the background and the printed statement
7 that is no less than the color contrast between the
8 background and the largest text used in the communication;
9 and
- 10 (5) for any printed material delivered by electronic
11 means, the statement appears at both the top and the bottom
12 of the electronic mail message or both the top and the
13 bottom of the Internet website homepage.

14 (d) Each person, other than a delivery service, who mails,
15 ships, or otherwise causes to be delivered a shipping package
16 in connection with a delivery sale shall:

- 17 (1) include as part of the shipping documents a clear
18 and conspicuous statement stating: "Cigarettes: Illinois
19 Law Prohibits Shipping to Individuals Under 21 and Requires
20 the Payment of All Applicable Taxes";
- 21 (2) use a method of mailing, shipping, or delivery that
22 requires a signature before the shipping package is
23 released to the consumer; and
- 24 (3) ensure that the shipping package is not delivered
25 to any post office box.

26 (Source: P.A. 101-2, eff. 7-1-19; revised 4-29-19.)

1 Section 625. The Code of Criminal Procedure of 1963 is
2 amended by changing Sections 110-5 and 112A-23 as follows:

3 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

4 Sec. 110-5. Determining the amount of bail and conditions
5 of release.

6 (a) In determining the amount of monetary bail or
7 conditions of release, if any, which will reasonably assure the
8 appearance of a defendant as required or the safety of any
9 other person or the community and the likelihood of compliance
10 by the defendant with all the conditions of bail, the court
11 shall, on the basis of available information, take into account
12 such matters as the nature and circumstances of the offense
13 charged, whether the evidence shows that as part of the offense
14 there was a use of violence or threatened use of violence,
15 whether the offense involved corruption of public officials or
16 employees, whether there was physical harm or threats of
17 physical harm to any public official, public employee, judge,
18 prosecutor, juror or witness, senior citizen, child, or person
19 with a disability, whether evidence shows that during the
20 offense or during the arrest the defendant possessed or used a
21 firearm, machine gun, explosive or metal piercing ammunition or
22 explosive bomb device or any military or paramilitary armament,
23 whether the evidence shows that the offense committed was
24 related to or in furtherance of the criminal activities of an

1 organized gang or was motivated by the defendant's membership
2 in or allegiance to an organized gang, the condition of the
3 victim, any written statement submitted by the victim or
4 proffer or representation by the State regarding the impact
5 which the alleged criminal conduct has had on the victim and
6 the victim's concern, if any, with further contact with the
7 defendant if released on bail, whether the offense was based on
8 racial, religious, sexual orientation or ethnic hatred, the
9 likelihood of the filing of a greater charge, the likelihood of
10 conviction, the sentence applicable upon conviction, the
11 weight of the evidence against such defendant, whether there
12 exists motivation or ability to flee, whether there is any
13 verification as to prior residence, education, or family ties
14 in the local jurisdiction, in another county, state or foreign
15 country, the defendant's employment, financial resources,
16 character and mental condition, past conduct, prior use of
17 alias names or dates of birth, and length of residence in the
18 community, the consent of the defendant to periodic drug
19 testing in accordance with Section 110-6.5, whether a foreign
20 national defendant is lawfully admitted in the United States of
21 America, whether the government of the foreign national
22 maintains an extradition treaty with the United States by which
23 the foreign government will extradite to the United States its
24 national for a trial for a crime allegedly committed in the
25 United States, whether the defendant is currently subject to
26 deportation or exclusion under the immigration laws of the

1 United States, whether the defendant, although a United States
2 citizen, is considered under the law of any foreign state a
3 national of that state for the purposes of extradition or
4 non-extradition to the United States, the amount of unrecovered
5 proceeds lost as a result of the alleged offense, the source of
6 bail funds tendered or sought to be tendered for bail, whether
7 from the totality of the court's consideration, the loss of
8 funds posted or sought to be posted for bail will not deter the
9 defendant from flight, whether the evidence shows that the
10 defendant is engaged in significant possession, manufacture,
11 or delivery of a controlled substance or cannabis, either
12 individually or in consort with others, whether at the time of
13 the offense charged he or she was on bond or pre-trial release
14 pending trial, probation, periodic imprisonment or conditional
15 discharge pursuant to this Code or the comparable Code of any
16 other state or federal jurisdiction, whether the defendant is
17 on bond or pre-trial release pending the imposition or
18 execution of sentence or appeal of sentence for any offense
19 under the laws of Illinois or any other state or federal
20 jurisdiction, whether the defendant is under parole, aftercare
21 release, mandatory supervised release, or work release from the
22 Illinois Department of Corrections or Illinois Department of
23 Juvenile Justice or any penal institution or corrections
24 department of any state or federal jurisdiction, the
25 defendant's record of convictions, whether the defendant has
26 been convicted of a misdemeanor or ordinance offense in

1 Illinois or similar offense in other state or federal
2 jurisdiction within the 10 years preceding the current charge
3 or convicted of a felony in Illinois, whether the defendant was
4 convicted of an offense in another state or federal
5 jurisdiction that would be a felony if committed in Illinois
6 within the 20 years preceding the current charge or has been
7 convicted of such felony and released from the penitentiary
8 within 20 years preceding the current charge if a penitentiary
9 sentence was imposed in Illinois or other state or federal
10 jurisdiction, the defendant's records of juvenile adjudication
11 of delinquency in any jurisdiction, any record of appearance or
12 failure to appear by the defendant at court proceedings,
13 whether there was flight to avoid arrest or prosecution,
14 whether the defendant escaped or attempted to escape to avoid
15 arrest, whether the defendant refused to identify himself or
16 herself, or whether there was a refusal by the defendant to be
17 fingerprinted as required by law. Information used by the court
18 in its findings or stated in or offered in connection with this
19 Section may be by way of proffer based upon reliable
20 information offered by the State or defendant. All evidence
21 shall be admissible if it is relevant and reliable regardless
22 of whether it would be admissible under the rules of evidence
23 applicable at criminal trials. If the State presents evidence
24 that the offense committed by the defendant was related to or
25 in furtherance of the criminal activities of an organized gang
26 or was motivated by the defendant's membership in or allegiance

1 to an organized gang, and if the court determines that the
2 evidence may be substantiated, the court shall prohibit the
3 defendant from associating with other members of the organized
4 gang as a condition of bail or release. For the purposes of
5 this Section, "organized gang" has the meaning ascribed to it
6 in Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 (a-5) There shall be a presumption that any conditions of
9 release imposed shall be non-monetary in nature and the court
10 shall impose the least restrictive conditions or combination of
11 conditions necessary to reasonably assure the appearance of the
12 defendant for further court proceedings and protect the
13 integrity of the judicial proceedings from a specific threat to
14 a witness or participant. Conditions of release may include,
15 but not be limited to, electronic home monitoring, curfews,
16 drug counseling, stay-away orders, and in-person reporting.
17 The court shall consider the defendant's socio-economic
18 circumstance when setting conditions of release or imposing
19 monetary bail.

20 (b) The amount of bail shall be:

21 (1) Sufficient to assure compliance with the
22 conditions set forth in the bail bond, which shall include
23 the defendant's current address with a written
24 admonishment to the defendant that he or she must comply
25 with the provisions of Section 110-12 regarding any change
26 in his or her address. The defendant's address shall at all

1 times remain a matter of public record with the clerk of
2 the court.

3 (2) Not oppressive.

4 (3) Considerate of the financial ability of the
5 accused.

6 (4) When a person is charged with a drug related
7 offense involving possession or delivery of cannabis or
8 possession or delivery of a controlled substance as defined
9 in the Cannabis Control Act, the Illinois Controlled
10 Substances Act, or the Methamphetamine Control and
11 Community Protection Act, the full street value of the
12 drugs seized shall be considered. "Street value" shall be
13 determined by the court on the basis of a proffer by the
14 State based upon reliable information of a law enforcement
15 official contained in a written report as to the amount
16 seized and such proffer may be used by the court as to the
17 current street value of the smallest unit of the drug
18 seized.

19 (b-5) Upon the filing of a written request demonstrating
20 reasonable cause, the State's Attorney may request a source of
21 bail hearing either before or after the posting of any funds.
22 If the hearing is granted, before the posting of any bail, the
23 accused must file a written notice requesting that the court
24 conduct a source of bail hearing. The notice must be
25 accompanied by justifying affidavits stating the legitimate
26 and lawful source of funds for bail. At the hearing, the court

1 shall inquire into any matters stated in any justifying
2 affidavits, and may also inquire into matters appropriate to
3 the determination which shall include, but are not limited to,
4 the following:

5 (1) the background, character, reputation, and
6 relationship to the accused of any surety; and

7 (2) the source of any money or property deposited by
8 any surety, and whether any such money or property
9 constitutes the fruits of criminal or unlawful conduct; and

10 (3) the source of any money posted as cash bail, and
11 whether any such money constitutes the fruits of criminal
12 or unlawful conduct; and

13 (4) the background, character, reputation, and
14 relationship to the accused of the person posting cash
15 bail.

16 Upon setting the hearing, the court shall examine, under
17 oath, any persons who may possess material information.

18 The State's Attorney has a right to attend the hearing, to
19 call witnesses and to examine any witness in the proceeding.
20 The court shall, upon request of the State's Attorney, continue
21 the proceedings for a reasonable period to allow the State's
22 Attorney to investigate the matter raised in any testimony or
23 affidavit. If the hearing is granted after the accused has
24 posted bail, the court shall conduct a hearing consistent with
25 this subsection (b-5). At the conclusion of the hearing, the
26 court must issue an order either approving or ~~of~~ disapproving

1 the bail.

2 (c) When a person is charged with an offense punishable by
3 fine only the amount of the bail shall not exceed double the
4 amount of the maximum penalty.

5 (d) When a person has been convicted of an offense and only
6 a fine has been imposed the amount of the bail shall not exceed
7 double the amount of the fine.

8 (e) The State may appeal any order granting bail or setting
9 a given amount for bail.

10 (f) When a person is charged with a violation of an order
11 of protection under Section 12-3.4 or 12-30 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 or when a person is
13 charged with domestic battery, aggravated domestic battery,
14 kidnapping, aggravated kidnaping, unlawful restraint,
15 aggravated unlawful restraint, stalking, aggravated stalking,
16 cyberstalking, harassment by telephone, harassment through
17 electronic communications, or an attempt to commit first degree
18 murder committed against an intimate partner regardless
19 whether an order of protection has been issued against the
20 person,

21 (1) whether the alleged incident involved harassment
22 or abuse, as defined in the Illinois Domestic Violence Act
23 of 1986;

24 (2) whether the person has a history of domestic
25 violence, as defined in the Illinois Domestic Violence Act,
26 or a history of other criminal acts;

1 (3) based on the mental health of the person;

2 (4) whether the person has a history of violating the
3 orders of any court or governmental entity;

4 (5) whether the person has been, or is, potentially a
5 threat to any other person;

6 (6) whether the person has access to deadly weapons or
7 a history of using deadly weapons;

8 (7) whether the person has a history of abusing alcohol
9 or any controlled substance;

10 (8) based on the severity of the alleged incident that
11 is the basis of the alleged offense, including, but not
12 limited to, the duration of the current incident, and
13 whether the alleged incident involved the use of a weapon,
14 physical injury, sexual assault, strangulation, abuse
15 during the alleged victim's pregnancy, abuse of pets, or
16 forcible entry to gain access to the alleged victim;

17 (9) whether a separation of the person from the alleged
18 victim or a termination of the relationship between the
19 person and the alleged victim has recently occurred or is
20 pending;

21 (10) whether the person has exhibited obsessive or
22 controlling behaviors toward the alleged victim,
23 including, but not limited to, stalking, surveillance, or
24 isolation of the alleged victim or victim's family member
25 or members;

26 (11) whether the person has expressed suicidal or

1 homicidal ideations;

2 (12) based on any information contained in the
3 complaint and any police reports, affidavits, or other
4 documents accompanying the complaint,

5 the court may, in its discretion, order the respondent to
6 undergo a risk assessment evaluation using a recognized,
7 evidence-based instrument conducted by an Illinois Department
8 of Human Services approved partner abuse intervention program
9 provider, pretrial service, probation, or parole agency. These
10 agencies shall have access to summaries of the defendant's
11 criminal history, which shall not include victim interviews or
12 information, for the risk evaluation. Based on the information
13 collected from the 12 points to be considered at a bail hearing
14 under this subsection (f), the results of any risk evaluation
15 conducted and the other circumstances of the violation, the
16 court may order that the person, as a condition of bail, be
17 placed under electronic surveillance as provided in Section
18 5-8A-7 of the Unified Code of Corrections. Upon making a
19 determination whether or not to order the respondent to undergo
20 a risk assessment evaluation or to be placed under electronic
21 surveillance and risk assessment, the court shall document in
22 the record the court's reasons for making those determinations.
23 The cost of the electronic surveillance and risk assessment
24 shall be paid by, or on behalf, of the defendant. As used in
25 this subsection (f), "intimate partner" means a spouse or a
26 current or former partner in a cohabitation or dating

1 relationship.

2 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18; revised
3 7-12-19.)

4 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

5 Sec. 112A-23. Enforcement of protective orders.

6 (a) When violation is crime. A violation of any protective
7 order, whether issued in a civil, quasi-criminal proceeding,
8 shall be enforced by a criminal court when:

9 (1) The respondent commits the crime of violation of a
10 domestic violence order of protection pursuant to Section
11 12-3.4 or 12-30 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, by having knowingly violated:

13 (i) remedies described in paragraphs (1), (2),
14 (3), (14), or (14.5) of subsection (b) of Section
15 112A-14 of this Code,

16 (ii) a remedy, which is substantially similar to
17 the remedies authorized under paragraphs (1), (2),
18 (3), (14), or (14.5) of subsection (b) of Section 214
19 of the Illinois Domestic Violence Act of 1986, in a
20 valid order of protection, which is authorized under
21 the laws of another state, tribe or United States
22 territory, or

23 (iii) ~~or~~ any other remedy when the act constitutes
24 a crime against the protected parties as defined by the
25 Criminal Code of 1961 or the Criminal Code of 2012.

1 Prosecution for a violation of a domestic violence
2 order of protection shall not bar concurrent prosecution
3 for any other crime, including any crime that may have been
4 committed at the time of the violation of the domestic
5 violence order of protection; or

6 (2) The respondent commits the crime of child abduction
7 pursuant to Section 10-5 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, by having knowingly violated:

9 (i) remedies described in paragraphs (5), (6), or
10 (8) of subsection (b) of Section 112A-14 of this Code,
11 or

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (1), (5),
14 (6), or (8) of subsection (b) of Section 214 of the
15 Illinois Domestic Violence Act of 1986, in a valid
16 domestic violence order of protection, which is
17 authorized under the laws of another state, tribe or
18 United States territory.

19 (3) The respondent commits the crime of violation of a
20 civil no contact order when the respondent violates Section
21 12-3.8 of the Criminal Code of 2012. Prosecution for a
22 violation of a civil no contact order shall not bar
23 concurrent prosecution for any other crime, including any
24 crime that may have been committed at the time of the
25 violation of the civil no contact order.

26 (4) The respondent commits the crime of violation of a

1 stalking no contact order when the respondent violates
2 Section 12-3.9 of the Criminal Code of 2012. Prosecution
3 for a violation of a stalking no contact order shall not
4 bar concurrent prosecution for any other crime, including
5 any crime that may have been committed at the time of the
6 violation of the stalking no contact order.

7 (b) When violation is contempt of court. A violation of any
8 valid protective order, whether issued in a civil or criminal
9 proceeding, may be enforced through civil or criminal contempt
10 procedures, as appropriate, by any court with jurisdiction,
11 regardless where the act or acts which violated the protective
12 order were committed, to the extent consistent with the venue
13 provisions of this Article. Nothing in this Article shall
14 preclude any Illinois court from enforcing any valid protective
15 order issued in another state. Illinois courts may enforce
16 protective orders through both criminal prosecution and
17 contempt proceedings, unless the action which is second in time
18 is barred by collateral estoppel or the constitutional
19 prohibition against double jeopardy.

20 (1) In a contempt proceeding where the petition for a
21 rule to show cause sets forth facts evidencing an immediate
22 danger that the respondent will flee the jurisdiction,
23 conceal a child, or inflict physical abuse on the
24 petitioner or minor children or on dependent adults in
25 petitioner's care, the court may order the attachment of
26 the respondent without prior service of the rule to show

1 cause or the petition for a rule to show cause. Bond shall
2 be set unless specifically denied in writing.

3 (2) A petition for a rule to show cause for violation
4 of a protective order shall be treated as an expedited
5 proceeding.

6 (c) Violation of custody, allocation of parental
7 responsibility, or support orders. A violation of remedies
8 described in paragraphs (5), (6), (8), or (9) of subsection (b)
9 of Section 112A-14 of this Code may be enforced by any remedy
10 provided by Section 607.5 of the Illinois Marriage and
11 Dissolution of Marriage Act. The court may enforce any order
12 for support issued under paragraph (12) of subsection (b) of
13 Section 112A-14 of this Code in the manner provided for under
14 Parts V and VII of the Illinois Marriage and Dissolution of
15 Marriage Act.

16 (d) Actual knowledge. A protective order may be enforced
17 pursuant to this Section if the respondent violates the order
18 after respondent has actual knowledge of its contents as shown
19 through one of the following means:

20 (1) (Blank).

21 (2) (Blank).

22 (3) By service of a protective order under subsection
23 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

24 (4) By other means demonstrating actual knowledge of
25 the contents of the order.

26 (e) The enforcement of a protective order in civil or

1 criminal court shall not be affected by either of the
2 following:

3 (1) The existence of a separate, correlative order
4 entered under Section 112A-15 of this Code.

5 (2) Any finding or order entered in a conjoined
6 criminal proceeding.

7 (f) Circumstances. The court, when determining whether or
8 not a violation of a protective order has occurred, shall not
9 require physical manifestations of abuse on the person of the
10 victim.

11 (g) Penalties.

12 (1) Except as provided in paragraph (3) of this
13 subsection (g), where the court finds the commission of a
14 crime or contempt of court under subsections (a) or (b) of
15 this Section, the penalty shall be the penalty that
16 generally applies in such criminal or contempt
17 proceedings, and may include one or more of the following:
18 incarceration, payment of restitution, a fine, payment of
19 attorneys' fees and costs, or community service.

20 (2) The court shall hear and take into account evidence
21 of any factors in aggravation or mitigation before deciding
22 an appropriate penalty under paragraph (1) of this
23 subsection (g).

24 (3) To the extent permitted by law, the court is
25 encouraged to:

26 (i) increase the penalty for the knowing violation

1 of any protective order over any penalty previously
2 imposed by any court for respondent's violation of any
3 protective order or penal statute involving petitioner
4 as victim and respondent as defendant;

5 (ii) impose a minimum penalty of 24 hours
6 imprisonment for respondent's first violation of any
7 protective order; and

8 (iii) impose a minimum penalty of 48 hours
9 imprisonment for respondent's second or subsequent
10 violation of a protective order

11 unless the court explicitly finds that an increased penalty
12 or that period of imprisonment would be manifestly unjust.

13 (4) In addition to any other penalties imposed for a
14 violation of a protective order, a criminal court may
15 consider evidence of any violations of a protective order:

16 (i) to increase, revoke, or modify the bail bond on
17 an underlying criminal charge pursuant to Section
18 110-6 of this Code;

19 (ii) to revoke or modify an order of probation,
20 conditional discharge, or supervision, pursuant to
21 Section 5-6-4 of the Unified Code of Corrections;

22 (iii) to revoke or modify a sentence of periodic
23 imprisonment, pursuant to Section 5-7-2 of the Unified
24 Code of Corrections.

25 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
26 100-597, eff. 6-29-18; revised 7-12-19.)

1 Section 630. The Rights of Crime Victims and Witnesses Act
2 is amended by changing Section 4.5 as follows:

3 (725 ILCS 120/4.5)

4 Sec. 4.5. Procedures to implement the rights of crime
5 victims. To afford crime victims their rights, law enforcement,
6 prosecutors, judges, and corrections will provide information,
7 as appropriate, of the following procedures:

8 (a) At the request of the crime victim, law enforcement
9 authorities investigating the case shall provide notice of the
10 status of the investigation, except where the State's Attorney
11 determines that disclosure of such information would
12 unreasonably interfere with the investigation, until such time
13 as the alleged assailant is apprehended or the investigation is
14 closed.

15 (a-5) When law enforcement authorities reopen a closed case
16 to resume investigating, they shall provide notice of the
17 reopening of the case, except where the State's Attorney
18 determines that disclosure of such information would
19 unreasonably interfere with the investigation.

20 (b) The office of the State's Attorney:

21 (1) shall provide notice of the filing of an
22 information, the return of an indictment, or the filing of
23 a petition to adjudicate a minor as a delinquent for a
24 violent crime;

1 (2) shall provide timely notice of the date, time, and
2 place of court proceedings; of any change in the date,
3 time, and place of court proceedings; and of any
4 cancellation of court proceedings. Notice shall be
5 provided in sufficient time, wherever possible, for the
6 victim to make arrangements to attend or to prevent an
7 unnecessary appearance at court proceedings;

8 (3) or victim advocate personnel shall provide
9 information of social services and financial assistance
10 available for victims of crime, including information of
11 how to apply for these services and assistance;

12 (3.5) or victim advocate personnel shall provide
13 information about available victim services, including
14 referrals to programs, counselors, and agencies that
15 assist a victim to deal with trauma, loss, and grief;

16 (4) shall assist in having any stolen or other personal
17 property held by law enforcement authorities for
18 evidentiary or other purposes returned as expeditiously as
19 possible, pursuant to the procedures set out in Section
20 115-9 of the Code of Criminal Procedure of 1963;

21 (5) or victim advocate personnel shall provide
22 appropriate employer intercession services to ensure that
23 employers of victims will cooperate with the criminal
24 justice system in order to minimize an employee's loss of
25 pay and other benefits resulting from court appearances;

26 (6) shall provide, whenever possible, a secure waiting

1 area during court proceedings that does not require victims
2 to be in close proximity to defendants or juveniles accused
3 of a violent crime, and their families and friends;

4 (7) shall provide notice to the crime victim of the
5 right to have a translator present at all court proceedings
6 and, in compliance with the federal Americans with
7 Disabilities Act of 1990, the right to communications
8 access through a sign language interpreter or by other
9 means;

10 (8) (blank);

11 (8.5) shall inform the victim of the right to be
12 present at all court proceedings, unless the victim is to
13 testify and the court determines that the victim's
14 testimony would be materially affected if the victim hears
15 other testimony at trial;

16 (9) shall inform the victim of the right to have
17 present at all court proceedings, subject to the rules of
18 evidence and confidentiality, an advocate and other
19 support person of the victim's choice;

20 (9.3) shall inform the victim of the right to retain an
21 attorney, at the victim's own expense, who, upon written
22 notice filed with the clerk of the court and State's
23 Attorney, is to receive copies of all notices, motions, and
24 court orders filed thereafter in the case, in the same
25 manner as if the victim were a named party in the case;

26 (9.5) shall inform the victim of (A) the victim's right

1 under Section 6 of this Act to make a statement at the
2 sentencing hearing; (B) the right of the victim's spouse,
3 guardian, parent, grandparent, and other immediate family
4 and household members under Section 6 of this Act to
5 present a statement at sentencing; and (C) if a presentence
6 report is to be prepared, the right of the victim's spouse,
7 guardian, parent, grandparent, and other immediate family
8 and household members to submit information to the preparer
9 of the presentence report about the effect the offense has
10 had on the victim and the person;

11 (10) at the sentencing shall make a good faith attempt
12 to explain the minimum amount of time during which the
13 defendant may actually be physically imprisoned. The
14 Office of the State's Attorney shall further notify the
15 crime victim of the right to request from the Prisoner
16 Review Board or Department of Juvenile Justice information
17 concerning the release of the defendant;

18 (11) shall request restitution at sentencing and as
19 part of a plea agreement if the victim requests
20 restitution;

21 (12) shall, upon the court entering a verdict of not
22 guilty by reason of insanity, inform the victim of the
23 notification services available from the Department of
24 Human Services, including the statewide telephone number,
25 under subparagraph (d) (2) of this Section;

26 (13) shall provide notice within a reasonable time

1 after receipt of notice from the custodian, of the release
2 of the defendant on bail or personal recognizance or the
3 release from detention of a minor who has been detained;

4 (14) shall explain in nontechnical language the
5 details of any plea or verdict of a defendant, or any
6 adjudication of a juvenile as a delinquent;

7 (15) shall make all reasonable efforts to consult with
8 the crime victim before the Office of the State's Attorney
9 makes an offer of a plea bargain to the defendant or enters
10 into negotiations with the defendant concerning a possible
11 plea agreement, and shall consider the written statement,
12 if prepared prior to entering into a plea agreement. The
13 right to consult with the prosecutor does not include the
14 right to veto a plea agreement or to insist the case go to
15 trial. If the State's Attorney has not consulted with the
16 victim prior to making an offer or entering into plea
17 negotiations with the defendant, the Office of the State's
18 Attorney shall notify the victim of the offer or the
19 negotiations within 2 business days and confer with the
20 victim;

21 (16) shall provide notice of the ultimate disposition
22 of the cases arising from an indictment or an information,
23 or a petition to have a juvenile adjudicated as a
24 delinquent for a violent crime;

25 (17) shall provide notice of any appeal taken by the
26 defendant and information on how to contact the appropriate

1 agency handling the appeal, and how to request notice of
2 any hearing, oral argument, or decision of an appellate
3 court;

4 (18) shall provide timely notice of any request for
5 post-conviction review filed by the defendant under
6 Article 122 of the Code of Criminal Procedure of 1963, and
7 of the date, time and place of any hearing concerning the
8 petition. Whenever possible, notice of the hearing shall be
9 given within 48 hours of the court's scheduling of the
10 hearing; and

11 (19) shall forward a copy of any statement presented
12 under Section 6 to the Prisoner Review Board or Department
13 of Juvenile Justice to be considered in making a
14 determination under Section 3-2.5-85 or subsection (b) of
15 Section 3-3-8 of the Unified Code of Corrections.

16 (c) The court shall ensure that the rights of the victim
17 are afforded.

18 (c-5) The following procedures shall be followed to afford
19 victims the rights guaranteed by Article I, Section 8.1 of the
20 Illinois Constitution:

21 (1) Written notice. A victim may complete a written
22 notice of intent to assert rights on a form prepared by the
23 Office of the Attorney General and provided to the victim
24 by the State's Attorney. The victim may at any time provide
25 a revised written notice to the State's Attorney. The
26 State's Attorney shall file the written notice with the

1 court. At the beginning of any court proceeding in which
2 the right of a victim may be at issue, the court and
3 prosecutor shall review the written notice to determine
4 whether the victim has asserted the right that may be at
5 issue.

6 (2) Victim's retained attorney. A victim's attorney
7 shall file an entry of appearance limited to assertion of
8 the victim's rights. Upon the filing of the entry of
9 appearance and service on the State's Attorney and the
10 defendant, the attorney is to receive copies of all
11 notices, motions and court orders filed thereafter in the
12 case.

13 (3) Standing. The victim has standing to assert the
14 rights enumerated in subsection (a) of Article I, Section
15 8.1 of the Illinois Constitution and the statutory rights
16 under Section 4 of this Act in any court exercising
17 jurisdiction over the criminal case. The prosecuting
18 attorney, a victim, or the victim's retained attorney may
19 assert the victim's rights. The defendant in the criminal
20 case has no standing to assert a right of the victim in any
21 court proceeding, including on appeal.

22 (4) Assertion of and enforcement of rights.

23 (A) The prosecuting attorney shall assert a
24 victim's right or request enforcement of a right by
25 filing a motion or by orally asserting the right or
26 requesting enforcement in open court in the criminal

1 case outside the presence of the jury. The prosecuting
2 attorney shall consult with the victim and the victim's
3 attorney regarding the assertion or enforcement of a
4 right. If the prosecuting attorney decides not to
5 assert or enforce a victim's right, the prosecuting
6 attorney shall notify the victim or the victim's
7 attorney in sufficient time to allow the victim or the
8 victim's attorney to assert the right or to seek
9 enforcement of a right.

10 (B) If the prosecuting attorney elects not to
11 assert a victim's right or to seek enforcement of a
12 right, the victim or the victim's attorney may assert
13 the victim's right or request enforcement of a right by
14 filing a motion or by orally asserting the right or
15 requesting enforcement in open court in the criminal
16 case outside the presence of the jury.

17 (C) If the prosecuting attorney asserts a victim's
18 right or seeks enforcement of a right, and the court
19 denies the assertion of the right or denies the request
20 for enforcement of a right, the victim or victim's
21 attorney may file a motion to assert the victim's right
22 or to request enforcement of the right within 10 days
23 of the court's ruling. The motion need not demonstrate
24 the grounds for a motion for reconsideration. The court
25 shall rule on the merits of the motion.

26 (D) The court shall take up and decide any motion

1 or request asserting or seeking enforcement of a
2 victim's right without delay, unless a specific time
3 period is specified by law or court rule. The reasons
4 for any decision denying the motion or request shall be
5 clearly stated on the record.

6 (5) Violation of rights and remedies.

7 (A) If the court determines that a victim's right
8 has been violated, the court shall determine the
9 appropriate remedy for the violation of the victim's
10 right by hearing from the victim and the parties,
11 considering all factors relevant to the issue, and then
12 awarding appropriate relief to the victim.

13 (A-5) Consideration of an issue of a substantive
14 nature or an issue that implicates the constitutional
15 or statutory right of a victim at a court proceeding
16 labeled as a status hearing shall constitute a per se
17 violation of a victim's right.

18 (B) The appropriate remedy shall include only
19 actions necessary to provide the victim the right to
20 which the victim was entitled and may include reopening
21 previously held proceedings; however, in no event
22 shall the court vacate a conviction. Any remedy shall
23 be tailored to provide the victim an appropriate remedy
24 without violating any constitutional right of the
25 defendant. In no event shall the appropriate remedy be
26 a new trial, damages, or costs.

1 (6) Right to be heard. Whenever a victim has the right
2 to be heard, the court shall allow the victim to exercise
3 the right in any reasonable manner the victim chooses.

4 (7) Right to attend trial. A party must file a written
5 motion to exclude a victim from trial at least 60 days
6 prior to the date set for trial. The motion must state with
7 specificity the reason exclusion is necessary to protect a
8 constitutional right of the party, and must contain an
9 offer of proof. The court shall rule on the motion within
10 30 days. If the motion is granted, the court shall set
11 forth on the record the facts that support its finding that
12 the victim's testimony will be materially affected if the
13 victim hears other testimony at trial.

14 (8) Right to have advocate and support person present
15 at court proceedings.

16 (A) A party who intends to call an advocate as a
17 witness at trial must seek permission of the court
18 before the subpoena is issued. The party must file a
19 written motion at least 90 days before trial that sets
20 forth specifically the issues on which the advocate's
21 testimony is sought and an offer of proof regarding (i)
22 the content of the anticipated testimony of the
23 advocate; and (ii) the relevance, admissibility, and
24 materiality of the anticipated testimony. The court
25 shall consider the motion and make findings within 30
26 days of the filing of the motion. If the court finds by

1 a preponderance of the evidence that: (i) the
2 anticipated testimony is not protected by an absolute
3 privilege; and (ii) the anticipated testimony contains
4 relevant, admissible, and material evidence that is
5 not available through other witnesses or evidence, the
6 court shall issue a subpoena requiring the advocate to
7 appear to testify at an in camera hearing. The
8 prosecuting attorney and the victim shall have 15 days
9 to seek appellate review before the advocate is
10 required to testify at an ex parte in camera
11 proceeding.

12 The prosecuting attorney, the victim, and the
13 advocate's attorney shall be allowed to be present at
14 the ex parte in camera proceeding. If, after conducting
15 the ex parte in camera hearing, the court determines
16 that due process requires any testimony regarding
17 confidential or privileged information or
18 communications, the court shall provide to the
19 prosecuting attorney, the victim, and the advocate's
20 attorney a written memorandum on the substance of the
21 advocate's testimony. The prosecuting attorney, the
22 victim, and the advocate's attorney shall have 15 days
23 to seek appellate review before a subpoena may be
24 issued for the advocate to testify at trial. The
25 presence of the prosecuting attorney at the ex parte in
26 camera proceeding does not make the substance of the

1 advocate's testimony that the court has ruled
2 inadmissible subject to discovery.

3 (B) If a victim has asserted the right to have a
4 support person present at the court proceedings, the
5 victim shall provide the name of the person the victim
6 has chosen to be the victim's support person to the
7 prosecuting attorney, within 60 days of trial. The
8 prosecuting attorney shall provide the name to the
9 defendant. If the defendant intends to call the support
10 person as a witness at trial, the defendant must seek
11 permission of the court before a subpoena is issued.
12 The defendant must file a written motion at least 45
13 days prior to trial that sets forth specifically the
14 issues on which the support person will testify and an
15 offer of proof regarding: (i) the content of the
16 anticipated testimony of the support person; and (ii)
17 the relevance, admissibility, and materiality of the
18 anticipated testimony.

19 If the prosecuting attorney intends to call the
20 support person as a witness during the State's
21 case-in-chief, the prosecuting attorney shall inform
22 the court of this intent in the response to the
23 defendant's written motion. The victim may choose a
24 different person to be the victim's support person. The
25 court may allow the defendant to inquire about matters
26 outside the scope of the direct examination during

1 cross-examination. If the court allows the defendant
2 to do so, the support person shall be allowed to remain
3 in the courtroom after the support person has
4 testified. A defendant who fails to question the
5 support person about matters outside the scope of
6 direct examination during the State's case-in-chief
7 waives the right to challenge the presence of the
8 support person on appeal. The court shall allow the
9 support person to testify if called as a witness in the
10 defendant's case-in-chief or the State's rebuttal.

11 If the court does not allow the defendant to
12 inquire about matters outside the scope of the direct
13 examination, the support person shall be allowed to
14 remain in the courtroom after the support person has
15 been called by the defendant or the defendant has
16 rested. The court shall allow the support person to
17 testify in the State's rebuttal.

18 If the prosecuting attorney does not intend to call
19 the support person in the State's case-in-chief, the
20 court shall verify with the support person whether the
21 support person, if called as a witness, would testify
22 as set forth in the offer of proof. If the court finds
23 that the support person would testify as set forth in
24 the offer of proof, the court shall rule on the
25 relevance, materiality, and admissibility of the
26 anticipated testimony. If the court rules the

1 anticipated testimony is admissible, the court shall
2 issue the subpoena. The support person may remain in
3 the courtroom after the support person testifies and
4 shall be allowed to testify in rebuttal.

5 If the court excludes the victim's support person
6 during the State's case-in-chief, the victim shall be
7 allowed to choose another support person to be present
8 in court.

9 If the victim fails to designate a support person
10 within 60 days of trial and the defendant has
11 subpoenaed the support person to testify at trial, the
12 court may exclude the support person from the trial
13 until the support person testifies. If the court
14 excludes the support person the victim may choose
15 another person as a support person.

16 (9) Right to notice and hearing before disclosure of
17 confidential or privileged information or records. A
18 defendant who seeks to subpoena records of or concerning
19 the victim that are confidential or privileged by law must
20 seek permission of the court before the subpoena is issued.
21 The defendant must file a written motion and an offer of
22 proof regarding the relevance, admissibility and
23 materiality of the records. If the court finds by a
24 preponderance of the evidence that: (A) the records are not
25 protected by an absolute privilege and (B) the records
26 contain relevant, admissible, and material evidence that

1 is not available through other witnesses or evidence, the
2 court shall issue a subpoena requiring a sealed copy of the
3 records be delivered to the court to be reviewed in camera.
4 If, after conducting an in camera review of the records,
5 the court determines that due process requires disclosure
6 of any portion of the records, the court shall provide
7 copies of what it intends to disclose to the prosecuting
8 attorney and the victim. The prosecuting attorney and the
9 victim shall have 30 days to seek appellate review before
10 the records are disclosed to the defendant. The disclosure
11 of copies of any portion of the records to the prosecuting
12 attorney does not make the records subject to discovery.

13 (10) Right to notice of court proceedings. If the
14 victim is not present at a court proceeding in which a
15 right of the victim is at issue, the court shall ask the
16 prosecuting attorney whether the victim was notified of the
17 time, place, and purpose of the court proceeding and that
18 the victim had a right to be heard at the court proceeding.
19 If the court determines that timely notice was not given or
20 that the victim was not adequately informed of the nature
21 of the court proceeding, the court shall not rule on any
22 substantive issues, accept a plea, or impose a sentence and
23 shall continue the hearing for the time necessary to notify
24 the victim of the time, place and nature of the court
25 proceeding. The time between court proceedings shall not be
26 attributable to the State under Section 103-5 of the Code

1 of Criminal Procedure of 1963.

2 (11) Right to timely disposition of the case. A victim
3 has the right to timely disposition of the case so as to
4 minimize the stress, cost, and inconvenience resulting
5 from the victim's involvement in the case. Before ruling on
6 a motion to continue trial or other court proceeding, the
7 court shall inquire into the circumstances for the request
8 for the delay and, if the victim has provided written
9 notice of the assertion of the right to a timely
10 disposition, and whether the victim objects to the delay.
11 If the victim objects, the prosecutor shall inform the
12 court of the victim's objections. If the prosecutor has not
13 conferred with the victim about the continuance, the
14 prosecutor shall inform the court of the attempts to
15 confer. If the court finds the attempts of the prosecutor
16 to confer with the victim were inadequate to protect the
17 victim's right to be heard, the court shall give the
18 prosecutor at least 3 but not more than 5 business days to
19 confer with the victim. In ruling on a motion to continue,
20 the court shall consider the reasons for the requested
21 continuance, the number and length of continuances that
22 have been granted, the victim's objections and procedures
23 to avoid further delays. If a continuance is granted over
24 the victim's objection, the court shall specify on the
25 record the reasons for the continuance and the procedures
26 that have been or will be taken to avoid further delays.

1 (12) Right to Restitution.

2 (A) If the victim has asserted the right to
3 restitution and the amount of restitution is known at
4 the time of sentencing, the court shall enter the
5 judgment of restitution at the time of sentencing.

6 (B) If the victim has asserted the right to
7 restitution and the amount of restitution is not known
8 at the time of sentencing, the prosecutor shall, within
9 5 days after sentencing, notify the victim what
10 information and documentation related to restitution
11 is needed and that the information and documentation
12 must be provided to the prosecutor within 45 days after
13 sentencing. Failure to timely provide information and
14 documentation related to restitution shall be deemed a
15 waiver of the right to restitution. The prosecutor
16 shall file and serve within 60 days after sentencing a
17 proposed judgment for restitution and a notice that
18 includes information concerning the identity of any
19 victims or other persons seeking restitution, whether
20 any victim or other person expressly declines
21 restitution, the nature and amount of any damages
22 together with any supporting documentation, a
23 restitution amount recommendation, and the names of
24 any co-defendants and their case numbers. Within 30
25 days after receipt of the proposed judgment for
26 restitution, the defendant shall file any objection to

1 the proposed judgment, a statement of grounds for the
2 objection, and a financial statement. If the defendant
3 does not file an objection, the court may enter the
4 judgment for restitution without further proceedings.
5 If the defendant files an objection and either party
6 requests a hearing, the court shall schedule a hearing.

7 (13) Access to presentence reports.

8 (A) The victim may request a copy of the
9 presentence report prepared under the Unified Code of
10 Corrections from the State's Attorney. The State's
11 Attorney shall redact the following information before
12 providing a copy of the report:

13 (i) the defendant's mental history and
14 condition;

15 (ii) any evaluation prepared under subsection
16 (b) or (b-5) of Section 5-3-2; and

17 (iii) the name, address, phone number, and
18 other personal information about any other victim.

19 (B) The State's Attorney or the defendant may
20 request the court redact other information in the
21 report that may endanger the safety of any person.

22 (C) The State's Attorney may orally disclose to the
23 victim any of the information that has been redacted if
24 there is a reasonable likelihood that the information
25 will be stated in court at the sentencing.

26 (D) The State's Attorney must advise the victim

1 that the victim must maintain the confidentiality of
2 the report and other information. Any dissemination of
3 the report or information that was not stated at a
4 court proceeding constitutes indirect criminal
5 contempt of court.

6 (14) Appellate relief. If the trial court denies the
7 relief requested, the victim, the victim's attorney, or the
8 prosecuting attorney may file an appeal within 30 days of
9 the trial court's ruling. The trial or appellate court may
10 stay the court proceedings if the court finds that a stay
11 would not violate a constitutional right of the defendant.
12 If the appellate court denies the relief sought, the
13 reasons for the denial shall be clearly stated in a written
14 opinion. In any appeal in a criminal case, the State may
15 assert as error the court's denial of any crime victim's
16 right in the proceeding to which the appeal relates.

17 (15) Limitation on appellate relief. In no case shall
18 an appellate court provide a new trial to remedy the
19 violation of a victim's right.

20 (16) The right to be reasonably protected from the
21 accused throughout the criminal justice process and the
22 right to have the safety of the victim and the victim's
23 family considered in denying or fixing the amount of bail,
24 determining whether to release the defendant, and setting
25 conditions of release after arrest and conviction. A victim
26 of domestic violence, a sexual offense, or stalking may

1 request the entry of a protective order under Article 112A
2 of the Code of Criminal Procedure of 1963.

3 (d) Procedures after the imposition of sentence.

4 (1) The Prisoner Review Board shall inform a victim or
5 any other concerned citizen, upon written request, of the
6 prisoner's release on parole, mandatory supervised
7 release, electronic detention, work release, international
8 transfer or exchange, or by the custodian, other than the
9 Department of Juvenile Justice, of the discharge of any
10 individual who was adjudicated a delinquent for a crime
11 from State custody and by the sheriff of the appropriate
12 county of any such person's final discharge from county
13 custody. The Prisoner Review Board, upon written request,
14 shall provide to a victim or any other concerned citizen a
15 recent photograph of any person convicted of a felony, upon
16 his or her release from custody. The Prisoner Review Board,
17 upon written request, shall inform a victim or any other
18 concerned citizen when feasible at least 7 days prior to
19 the prisoner's release on furlough of the times and dates
20 of such furlough. Upon written request by the victim or any
21 other concerned citizen, the State's Attorney shall notify
22 the person once of the times and dates of release of a
23 prisoner sentenced to periodic imprisonment. Notification
24 shall be based on the most recent information as to
25 victim's or other concerned citizen's residence or other
26 location available to the notifying authority.

1 (2) When the defendant has been committed to the
2 Department of Human Services pursuant to Section 5-2-4 or
3 any other provision of the Unified Code of Corrections, the
4 victim may request to be notified by the releasing
5 authority of the approval by the court of an on-grounds
6 pass, a supervised off-grounds pass, an unsupervised
7 off-grounds pass, or conditional release; the release on an
8 off-grounds pass; the return from an off-grounds pass;
9 transfer to another facility; conditional release; escape;
10 death; or final discharge from State custody. The
11 Department of Human Services shall establish and maintain a
12 statewide telephone number to be used by victims to make
13 notification requests under these provisions and shall
14 publicize this telephone number on its website and to the
15 State's Attorney of each county.

16 (3) In the event of an escape from State custody, the
17 Department of Corrections or the Department of Juvenile
18 Justice immediately shall notify the Prisoner Review Board
19 of the escape and the Prisoner Review Board shall notify
20 the victim. The notification shall be based upon the most
21 recent information as to the victim's residence or other
22 location available to the Board. When no such information
23 is available, the Board shall make all reasonable efforts
24 to obtain the information and make the notification. When
25 the escapee is apprehended, the Department of Corrections
26 or the Department of Juvenile Justice immediately shall

1 notify the Prisoner Review Board and the Board shall notify
2 the victim.

3 (4) The victim of the crime for which the prisoner has
4 been sentenced has the right to register with the Prisoner
5 Review Board's victim registry. Victims registered with
6 the Board shall receive reasonable written notice not less
7 than 30 days prior to the parole hearing or target
8 aftercare release date. The victim has the right to submit
9 a victim statement for consideration by the Prisoner Review
10 Board or the Department of Juvenile Justice in writing, on
11 film, videotape, or other electronic means, or in the form
12 of a recording prior to the parole hearing or target
13 aftercare release date, or in person at the parole hearing
14 or aftercare release protest hearing, or by calling the
15 toll-free number established in subsection (f) of this
16 Section. 7 The victim shall be notified within 7 days after
17 the prisoner has been granted parole or aftercare release
18 and shall be informed of the right to inspect the registry
19 of parole decisions, established under subsection (g) of
20 Section 3-3-5 of the Unified Code of Corrections. The
21 provisions of this paragraph (4) are subject to the Open
22 Parole Hearings Act. Victim statements provided to the
23 Board shall be confidential and privileged, including any
24 statements received prior to January 1, 2020 (the effective
25 date of Public Act 101-288) ~~this amendatory Act of the~~
26 ~~101st General Assembly~~, except if the statement was an oral

1 statement made by the victim at a hearing open to the
2 public.

3 (4-1) The crime victim has the right to submit a victim
4 statement for consideration by the Prisoner Review Board or
5 the Department of Juvenile Justice prior to or at a hearing
6 to determine the conditions of mandatory supervised
7 release of a person sentenced to a determinate sentence or
8 at a hearing on revocation of mandatory supervised release
9 of a person sentenced to a determinate sentence. A victim
10 statement may be submitted in writing, on film, videotape,
11 or other electronic means, or in the form of a recording,
12 or orally at a hearing, or by calling the toll-free number
13 established in subsection (f) of this Section. Victim
14 statements provided to the Board shall be confidential and
15 privileged, including any statements received prior to
16 January 1, 2020 (the effective date of Public Act 101-288)
17 ~~this amendatory Act of the 101st General Assembly~~, except
18 if the statement was an oral statement made by the victim
19 at a hearing open to the public.

20 (4-2) The crime victim has the right to submit a victim
21 statement to the Prisoner Review Board for consideration at
22 an executive clemency hearing as provided in Section 3-3-13
23 of the Unified Code of Corrections. A victim statement may
24 be submitted in writing, on film, videotape, or other
25 electronic means, or in the form of a recording prior to a
26 hearing, or orally at a hearing, or by calling the

1 toll-free number established in subsection (f) of this
2 Section. Victim statements provided to the Board shall be
3 confidential and privileged, including any statements
4 received prior to January 1, 2020 (the effective date of
5 Public Act 101-288) ~~this amendatory Act of the 101st~~
6 ~~General Assembly~~, except if the statement was an oral
7 statement made by the victim at a hearing open to the
8 public.

9 (5) If a statement is presented under Section 6, the
10 Prisoner Review Board or Department of Juvenile Justice
11 shall inform the victim of any order of discharge pursuant
12 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
13 Corrections.

14 (6) At the written or oral request of the victim of the
15 crime for which the prisoner was sentenced or the State's
16 Attorney of the county where the person seeking parole or
17 aftercare release was prosecuted, the Prisoner Review
18 Board or Department of Juvenile Justice shall notify the
19 victim and the State's Attorney of the county where the
20 person seeking parole or aftercare release was prosecuted
21 of the death of the prisoner if the prisoner died while on
22 parole or aftercare release or mandatory supervised
23 release.

24 (7) When a defendant who has been committed to the
25 Department of Corrections, the Department of Juvenile
26 Justice, or the Department of Human Services is released or

1 discharged and subsequently committed to the Department of
2 Human Services as a sexually violent person and the victim
3 had requested to be notified by the releasing authority of
4 the defendant's discharge, conditional release, death, or
5 escape from State custody, the releasing authority shall
6 provide to the Department of Human Services such
7 information that would allow the Department of Human
8 Services to contact the victim.

9 (8) When a defendant has been convicted of a sex
10 offense as defined in Section 2 of the Sex Offender
11 Registration Act and has been sentenced to the Department
12 of Corrections or the Department of Juvenile Justice, the
13 Prisoner Review Board or the Department of Juvenile Justice
14 shall notify the victim of the sex offense of the
15 prisoner's eligibility for release on parole, aftercare
16 release, mandatory supervised release, electronic
17 detention, work release, international transfer or
18 exchange, or by the custodian of the discharge of any
19 individual who was adjudicated a delinquent for a sex
20 offense from State custody and by the sheriff of the
21 appropriate county of any such person's final discharge
22 from county custody. The notification shall be made to the
23 victim at least 30 days, whenever possible, before release
24 of the sex offender.

25 (e) The officials named in this Section may satisfy some or
26 all of their obligations to provide notices and other

1 information through participation in a statewide victim and
2 witness notification system established by the Attorney
3 General under Section 8.5 of this Act.

4 (f) The Prisoner Review Board shall establish a toll-free
5 number that may be accessed by the crime victim to present a
6 victim statement to the Board in accordance with paragraphs
7 (4), (4-1), and (4-2) of subsection (d).

8 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
9 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)

10 Section 635. The Unified Code of Corrections is amended by
11 setting forth and renumbering multiple versions of Sections
12 3-2-2.3 and by changing Sections 3-2.5-20, 3-8-5, 3-14-1,
13 5-2-4, 5-3-2, 5-5-3.2, and 5-6-3 as follows:

14 (730 ILCS 5/3-2-2.3)

15 Sec. 3-2-2.3. Voting rights information.

16 (a) The Department shall make available to a person in its
17 custody current resource materials, maintained by the Illinois
18 State Board of Elections, containing detailed information
19 regarding the voting rights of a person with a criminal
20 conviction in the following formats:

21 (1) in print;

22 (2) on the Department's website; and

23 (3) in a visible location on the premises of each
24 Department facility where notices are customarily posted.

1 (b) The current resource materials described under
2 subsection (a) shall be provided upon release of a person on
3 parole, mandatory supervised release, final discharge, or
4 pardon from the Department.

5 (Source: P.A. 101-442, eff. 1-1-20.)

6 (730 ILCS 5/3-2-2.4)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 3-2-2.4 ~~3-2-2.3~~. Tamms Minimum Security Unit Task
9 Force.

10 (a) The Tamms Minimum Security Unit Task Force is created
11 to study using the Tamms Minimum Security Unit as a vocational
12 training facility for the Department of Corrections. The
13 membership of the Task Force shall include:

14 (1) one member to serve as chair, appointed by the
15 Lieutenant Governor;

16 (2) one member of the House of Representatives
17 appointed by the Speaker of the House of Representatives;

18 (3) one member of the House of Representatives
19 appointed by the Minority Leader of the House of
20 Representatives;

21 (4) one member of the Senate appointed by the Senate
22 President;

23 (5) one member of the Senate appointed by the Senate
24 Minority Leader;

25 (6) the Director of Corrections or his or her designee;

1 (7) one member of a labor organization representing a
2 plurality of Department of Corrections employees;

3 (8) one member representing Shawnee Community College,
4 appointed by the President of Shawnee Community College;

5 (9) one member representing Southern Illinois
6 University, appointed by the President of Southern
7 Illinois University;

8 (10) the mayor of Tamms, Illinois; and

9 (11) one member representing Alexander County,
10 appointed by the Chairman of the Alexander County Board.

11 (b) Each member of the Task Force shall serve without
12 compensation. The members of the Task Force shall select a
13 Chairperson. The Task Force shall meet 2 times per year or at
14 the call of the Chairperson. The Department of Corrections
15 shall provide administrative support to the Task Force.

16 (c) The Task Force shall submit a report to the Governor
17 and the General Assembly on or before December 31, 2020 with
18 its recommendations. The Task Force is dissolved on January 1,
19 2021.

20 (d) This Section is repealed on January 1, 2022.

21 (Source: P.A. 101-449, eff. 1-1-20; revised 10-23-19.)

22 (730 ILCS 5/3-2.5-20)

23 Sec. 3-2.5-20. General powers and duties.

24 (a) In addition to the powers, duties, and responsibilities
25 which are otherwise provided by law or transferred to the

1 Department as a result of this Article, the Department, as
2 determined by the Director, shall have, but is ~~are~~ not limited
3 to, the following rights, powers, functions, and duties:

4 (1) To accept juveniles committed to it by the courts
5 of this State for care, custody, treatment, and
6 rehabilitation.

7 (2) To maintain and administer all State juvenile
8 correctional institutions previously under the control of
9 the Juvenile and Women's & Children Divisions of the
10 Department of Corrections, and to establish and maintain
11 institutions as needed to meet the needs of the youth
12 committed to its care.

13 (3) To identify the need for and recommend the funding
14 and implementation of an appropriate mix of programs and
15 services within the juvenile justice continuum, including,
16 but not limited to, prevention, nonresidential and
17 residential commitment programs, day treatment, and
18 conditional release programs and services, with the
19 support of educational, vocational, alcohol, drug abuse,
20 and mental health services where appropriate.

21 (3.5) To assist youth committed to the Department of
22 Juvenile Justice under the Juvenile Court Act of 1987 with
23 successful reintegration into society, the Department
24 shall retain custody and control of all adjudicated
25 delinquent juveniles released under Section 3-2.5-85 or
26 3-3-10 of this Code, shall provide a continuum of

1 post-release treatment and services to those youth, and
2 shall supervise those youth during their release period in
3 accordance with the conditions set by the Department or the
4 Prisoner Review Board.

5 (4) To establish and provide transitional and
6 post-release treatment programs for juveniles committed to
7 the Department. Services shall include, but are not limited
8 to:

9 (i) family and individual counseling and treatment
10 placement;

11 (ii) referral services to any other State or local
12 agencies;

13 (iii) mental health services;

14 (iv) educational services;

15 (v) family counseling services; and

16 (vi) substance abuse services.

17 (5) To access vital records of juveniles for the
18 purposes of providing necessary documentation for
19 transitional services such as obtaining identification,
20 educational enrollment, employment, and housing.

21 (6) To develop staffing and workload standards and
22 coordinate staff development and training appropriate for
23 juvenile populations.

24 (6.5) To develop policies and procedures promoting
25 family engagement and visitation appropriate for juvenile
26 populations.

1 (7) To develop, with the approval of the Office of the
2 Governor and the Governor's Office of Management and
3 Budget, annual budget requests.

4 (8) To administer the Interstate Compact for
5 Juveniles, with respect to all juveniles under its
6 jurisdiction, and to cooperate with the Department of Human
7 Services with regard to all non-offender juveniles subject
8 to the Interstate Compact for Juveniles.

9 (9) To decide the date of release on aftercare for
10 youth committed to the Department under Section 5-750 of
11 the Juvenile Court Act of 1987.

12 (10) To set conditions of aftercare release for all
13 youth committed to the Department under the Juvenile Court
14 Act of 1987.

15 (b) The Department may employ personnel in accordance with
16 the Personnel Code and Section 3-2.5-15 of this Code, provide
17 facilities, contract for goods and services, and adopt rules as
18 necessary to carry out its functions and purposes, all in
19 accordance with applicable State and federal law.

20 (c) On and after the date 6 months after August 16, 2013
21 (the effective date of Public Act 98-488), as provided in the
22 Executive Order 1 (2012) Implementation Act, all of the powers,
23 duties, rights, and responsibilities related to State
24 healthcare purchasing under this Code that were transferred
25 from the Department of Corrections to the Department of
26 Healthcare and Family Services by Executive Order 3 (2005) are

1 transferred back to the Department of Corrections; however,
2 powers, duties, rights, and responsibilities related to State
3 healthcare purchasing under this Code that were exercised by
4 the Department of Corrections before the effective date of
5 Executive Order 3 (2005) but that pertain to individuals
6 resident in facilities operated by the Department of Juvenile
7 Justice are transferred to the Department of Juvenile Justice.
8 (Source: P.A. 101-219, eff. 1-1-20; revised 9-24-19.)

9 (730 ILCS 5/3-8-5) (from Ch. 38, par. 1003-8-5)

10 Sec. 3-8-5. Transfer to Department of Human Services.

11 (a) The Department shall cause inquiry and examination at
12 periodic intervals to ascertain whether any person committed to
13 it may be subject to involuntary admission, as defined in
14 Section 1-119 of the Mental Health and Developmental
15 Disabilities Code, or meets the standard for judicial admission
16 as defined in Section 4-500 of the Mental Health and
17 Developmental Disabilities Code, or is an intoxicated person or
18 a person with a substance use disorder as defined in the
19 Substance Use Disorder Act. The Department may provide special
20 psychiatric or psychological or other counseling or treatment
21 to such persons in a separate institution within the
22 Department, or the Director of the Department of Corrections
23 may transfer such persons other than intoxicated persons or
24 persons with substance use disorders to the Department of Human
25 Services for observation, diagnosis and treatment, subject to

1 the approval of the Secretary ~~Director~~ of the Department of
2 Human Services, for a period of not more than 6 months, if the
3 person consents in writing to the transfer. The person shall be
4 advised of his right not to consent, and if he does not
5 consent, such transfer may be effected only by commitment under
6 paragraphs (c) and (d) of this Section.

7 (b) The person's spouse, guardian, or nearest relative and
8 his attorney of record shall be advised of their right to
9 object, and if objection is made, such transfer may be effected
10 only by commitment under paragraph (c) of this Section. Notices
11 of such transfer shall be mailed to such person's spouse,
12 guardian, or nearest relative and to the attorney of record
13 marked for delivery to addressee only at his last known address
14 by certified mail with return receipt requested together with
15 written notification of the manner and time within which he may
16 object thereto.

17 (c) If a committed person does not consent to his transfer
18 to the Department of Human Services or if a person objects
19 under paragraph (b) of this Section, or if the Department of
20 Human Services determines that a transferred person requires
21 commitment to the Department of Human Services for more than 6
22 months, or if the person's sentence will expire within 6
23 months, the Director of the Department of Corrections shall
24 file a petition in the circuit court of the county in which the
25 correctional institution or facility is located requesting the
26 transfer of such person to the Department of Human Services. A

1 certificate of a psychiatrist, a clinical psychologist, or, if
2 admission to a developmental disability facility is sought, ~~of~~
3 a physician that the person is in need of commitment to the
4 Department of Human Services for treatment or habilitation
5 shall be attached to the petition. Copies of the petition shall
6 be furnished to the named person and to the state's attorneys
7 of the county in which the correctional institution or facility
8 is located and the county in which the named person was
9 committed to the Department of Corrections.

10 (d) The court shall set a date for a hearing on the
11 petition within the time limit set forth in the Mental Health
12 and Developmental Disabilities Code. The hearing shall be
13 conducted in the manner prescribed by the Mental Health and
14 Developmental Disabilities Code. If the person is found to be
15 in need of commitment to the Department of Human Services for
16 treatment or habilitation, the court may commit him to that
17 Department.

18 (e) Nothing in this Section shall limit the right of the
19 Director or the chief administrative officer of any institution
20 or facility to utilize the emergency admission provisions of
21 the Mental Health and Developmental Disabilities Code with
22 respect to any person in his custody or care. The transfer of a
23 person to an institution or facility of the Department of Human
24 Services under paragraph (a) of this Section does not discharge
25 the person from the control of the Department.

26 (Source: P.A. 100-759, eff. 1-1-19; revised 7-12-19.)

1 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

2 Sec. 3-14-1. Release from the institution.

3 (a) Upon release of a person on parole, mandatory release,
4 final discharge or pardon the Department shall return all
5 property held for him, provide him with suitable clothing and
6 procure necessary transportation for him to his designated
7 place of residence and employment. It may provide such person
8 with a grant of money for travel and expenses which may be paid
9 in installments. The amount of the money grant shall be
10 determined by the Department.

11 (a-1) The Department shall, before a wrongfully imprisoned
12 person, as defined in Section 3-1-2 of this Code, is discharged
13 from the Department, provide him or her with any documents
14 necessary after discharge.

15 (a-2) The Department of Corrections may establish and
16 maintain, in any institution it administers, revolving funds to
17 be known as "Travel and Allowances Revolving Funds". These
18 revolving funds shall be used for advancing travel and expense
19 allowances to committed, paroled, and discharged prisoners.
20 The moneys paid into such revolving funds shall be from
21 appropriations to the Department for Committed, Paroled, and
22 Discharged Prisoners.

23 (a-3) Upon release of a person who is eligible to vote on
24 parole, mandatory release, final discharge, or pardon, the
25 Department shall provide the person with a form that informs

1 him or her that his or her voting rights have been restored and
2 a voter registration application. The Department shall have
3 available voter registration applications in the languages
4 provided by the Illinois State Board of Elections. The form
5 that informs the person that his or her rights have been
6 restored shall include the following information:

7 (1) All voting rights are restored upon release from
8 the Department's custody.

9 (2) A person who is eligible to vote must register in
10 order to be able to vote.

11 The Department of Corrections shall confirm that the person
12 received the voter registration application and has been
13 informed that his or her voting rights have been restored.

14 (a-4) ~~(a-3)~~ Prior to release of a person on parole,
15 mandatory supervised release, final discharge, or pardon, the
16 Department shall screen every person for Medicaid eligibility.
17 Officials of the correctional institution or facility where the
18 committed person is assigned shall assist an eligible person to
19 complete a Medicaid application to ensure that the person
20 begins receiving benefits as soon as possible after his or her
21 release. The application must include the eligible person's
22 address associated with his or her residence upon release from
23 the facility. If the residence is temporary, the eligible
24 person must notify the Department of Human Services of his or
25 her change in address upon transition to permanent housing.

26 (b) (Blank).

1 (c) Except as otherwise provided in this Code, the
2 Department shall establish procedures to provide written
3 notification of any release of any person who has been
4 convicted of a felony to the State's Attorney and sheriff of
5 the county from which the offender was committed, and the
6 State's Attorney and sheriff of the county into which the
7 offender is to be paroled or released. Except as otherwise
8 provided in this Code, the Department shall establish
9 procedures to provide written notification to the proper law
10 enforcement agency for any municipality of any release of any
11 person who has been convicted of a felony if the arrest of the
12 offender or the commission of the offense took place in the
13 municipality, if the offender is to be paroled or released into
14 the municipality, or if the offender resided in the
15 municipality at the time of the commission of the offense. If a
16 person convicted of a felony who is in the custody of the
17 Department of Corrections or on parole or mandatory supervised
18 release informs the Department that he or she has resided,
19 resides, or will reside at an address that is a housing
20 facility owned, managed, operated, or leased by a public
21 housing agency, the Department must send written notification
22 of that information to the public housing agency that owns,
23 manages, operates, or leases the housing facility. The written
24 notification shall, when possible, be given at least 14 days
25 before release of the person from custody, or as soon
26 thereafter as possible. The written notification shall be

1 provided electronically if the State's Attorney, sheriff,
2 proper law enforcement agency, or public housing agency has
3 provided the Department with an accurate and up to date email
4 address.

5 (c-1) (Blank).

6 (c-2) The Department shall establish procedures to provide
7 notice to the Department of State Police of the release or
8 discharge of persons convicted of violations of the
9 Methamphetamine Control and Community Protection Act or a
10 violation of the Methamphetamine Precursor Control Act. The
11 Department of State Police shall make this information
12 available to local, State, or federal law enforcement agencies
13 upon request.

14 (c-5) If a person on parole or mandatory supervised release
15 becomes a resident of a facility licensed or regulated by the
16 Department of Public Health, the Illinois Department of Public
17 Aid, or the Illinois Department of Human Services, the
18 Department of Corrections shall provide copies of the following
19 information to the appropriate licensing or regulating
20 Department and the licensed or regulated facility where the
21 person becomes a resident:

22 (1) The mittimus and any pre-sentence investigation
23 reports.

24 (2) The social evaluation prepared pursuant to Section
25 3-8-2.

26 (3) Any pre-release evaluation conducted pursuant to

1 subsection (j) of Section 3-6-2.

2 (4) Reports of disciplinary infractions and
3 dispositions.

4 (5) Any parole plan, including orders issued by the
5 Prisoner Review Board, and any violation reports and
6 dispositions.

7 (6) The name and contact information for the assigned
8 parole agent and parole supervisor.

9 This information shall be provided within 3 days of the
10 person becoming a resident of the facility.

11 (c-10) If a person on parole or mandatory supervised
12 release becomes a resident of a facility licensed or regulated
13 by the Department of Public Health, the Illinois Department of
14 Public Aid, or the Illinois Department of Human Services, the
15 Department of Corrections shall provide written notification
16 of such residence to the following:

17 (1) The Prisoner Review Board.

18 (2) The chief of police and sheriff in the municipality
19 and county in which the licensed facility is located.

20 The notification shall be provided within 3 days of the
21 person becoming a resident of the facility.

22 (d) Upon the release of a committed person on parole,
23 mandatory supervised release, final discharge or pardon, the
24 Department shall provide such person with information
25 concerning programs and services of the Illinois Department of
26 Public Health to ascertain whether such person has been exposed

1 to the human immunodeficiency virus (HIV) or any identified
2 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

3 (e) Upon the release of a committed person on parole,
4 mandatory supervised release, final discharge, pardon, or who
5 has been wrongfully imprisoned, the Department shall verify the
6 released person's full name, date of birth, and social security
7 number. If verification is made by the Department by obtaining
8 a certified copy of the released person's birth certificate and
9 the released person's social security card or other documents
10 authorized by the Secretary, the Department shall provide the
11 birth certificate and social security card or other documents
12 authorized by the Secretary to the released person. If
13 verification by the Department is done by means other than
14 obtaining a certified copy of the released person's birth
15 certificate and the released person's social security card or
16 other documents authorized by the Secretary, the Department
17 shall complete a verification form, prescribed by the Secretary
18 of State, and shall provide that verification form to the
19 released person.

20 (f) Forty-five days prior to the scheduled discharge of a
21 person committed to the custody of the Department of
22 Corrections, the Department shall give the person who is
23 otherwise uninsured an opportunity to apply for health care
24 coverage including medical assistance under Article V of the
25 Illinois Public Aid Code in accordance with subsection (b) of
26 Section 1-8.5 of the Illinois Public Aid Code, and the

1 Department of Corrections shall provide assistance with
2 completion of the application for health care coverage
3 including medical assistance. The Department may adopt rules to
4 implement this Section.

5 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
6 revised 9-9-19.)

7 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

8 Sec. 5-2-4. Proceedings after acquittal by reason of
9 insanity.

10 (a) After a finding or verdict of not guilty by reason of
11 insanity under Sections 104-25, 115-3, or 115-4 of the Code of
12 Criminal Procedure of 1963, the defendant shall be ordered to
13 the Department of Human Services for an evaluation as to
14 whether he is in need of mental health services. The order
15 shall specify whether the evaluation shall be conducted on an
16 inpatient or outpatient basis. If the evaluation is to be
17 conducted on an inpatient basis, the defendant shall be placed
18 in a secure setting. With the court order for evaluation shall
19 be sent a copy of the arrest report, criminal charges, arrest
20 record, jail record, any report prepared under Section 115-6 of
21 the Code of Criminal Procedure of 1963, and any statement
22 prepared under Section 6 of the Rights of Crime Victims and
23 Witnesses Act. The clerk of the circuit court shall transmit
24 this information to the Department within 5 days. If the court
25 orders that the evaluation be done on an inpatient basis, the

1 Department shall evaluate the defendant to determine to which
2 secure facility the defendant shall be transported and, within
3 20 days of the transmittal by the clerk of the circuit court of
4 the placement court order, notify the sheriff of the designated
5 facility. Upon receipt of that notice, the sheriff shall
6 promptly transport the defendant to the designated facility.
7 During the period of time required to determine the appropriate
8 placement, the defendant shall remain in jail. If, within 20
9 days of the transmittal by the clerk of the circuit court of
10 the placement court order, the Department fails to notify the
11 sheriff of the identity of the facility to which the defendant
12 shall be transported, the sheriff shall contact a designated
13 person within the Department to inquire about when a placement
14 will become available at the designated facility and bed
15 availability at other facilities. If, within 20 days of the
16 transmittal by the clerk of the circuit court of the placement
17 court order, the Department fails to notify the sheriff of the
18 identity of the facility to which the defendant shall be
19 transported, the sheriff shall notify the Department of its
20 intent to transfer the defendant to the nearest secure mental
21 health facility operated by the Department and inquire as to
22 the status of the placement evaluation and availability for
23 admission to the facility operated by the Department by
24 contacting a designated person within the Department. The
25 Department shall respond to the sheriff within 2 business days
26 of the notice and inquiry by the sheriff seeking the transfer

1 and the Department shall provide the sheriff with the status of
2 the placement evaluation, information on bed and placement
3 availability, and an estimated date of admission for the
4 defendant and any changes to that estimated date of admission.
5 If the Department notifies the sheriff during the 2 business
6 day period of a facility operated by the Department with
7 placement availability, the sheriff shall promptly transport
8 the defendant to that facility. Individualized placement
9 evaluations by the Department of Human Services determine the
10 most appropriate setting for forensic treatment based upon a
11 number of factors including mental health diagnosis, proximity
12 to surviving victims, security need, age, gender, and proximity
13 to family.

14 The Department shall provide the Court with a report of its
15 evaluation within 30 days of the date of this order. The Court
16 shall hold a hearing as provided under the Mental Health and
17 Developmental Disabilities Code to determine if the individual
18 is: (a) in need of mental health services on an inpatient
19 basis; (b) in need of mental health services on an outpatient
20 basis; (c) a person not in need of mental health services. The
21 court shall afford the victim the opportunity to make a written
22 or oral statement as guaranteed by Article I, Section 8.1 of
23 the Illinois Constitution and Section 6 of the Rights of Crime
24 Victims and Witnesses Act. The court shall allow a victim to
25 make an oral statement if the victim is present in the
26 courtroom and requests to make an oral statement. An oral

1 statement includes the victim or a representative of the victim
2 reading the written statement. The court may allow persons
3 impacted by the crime who are not victims under subsection (a)
4 of Section 3 of the Rights of Crime Victims and Witnesses Act
5 to present an oral or written statement. A victim and any
6 person making an oral statement shall not be put under oath or
7 subject to cross-examination. The court shall consider any
8 statement presented along with all other appropriate factors in
9 determining the sentence of the defendant or disposition of the
10 juvenile. All statements shall become part of the record of the
11 court.

12 If the defendant is found to be in need of mental health
13 services on an inpatient care basis, the Court shall order the
14 defendant to the Department of Human Services. The defendant
15 shall be placed in a secure setting. Such defendants placed in
16 a secure setting shall not be permitted outside the facility's
17 housing unit unless escorted or accompanied by personnel of the
18 Department of Human Services or with the prior approval of the
19 Court for unsupervised on-grounds privileges as provided
20 herein. Any defendant placed in a secure setting pursuant to
21 this Section, transported to court hearings or other necessary
22 appointments off facility grounds by personnel of the
23 Department of Human Services, shall be placed in security
24 devices or otherwise secured during the period of
25 transportation to assure secure transport of the defendant and
26 the safety of Department of Human Services personnel and

1 others. These security measures shall not constitute restraint
2 as defined in the Mental Health and Developmental Disabilities
3 Code. If the defendant is found to be in need of mental health
4 services, but not on an inpatient care basis, the Court shall
5 conditionally release the defendant, under such conditions as
6 set forth in this Section as will reasonably assure the
7 defendant's satisfactory progress and participation in
8 treatment or rehabilitation and the safety of the defendant,
9 the victim, the victim's family members, and others. If the
10 Court finds the person not in need of mental health services,
11 then the Court shall order the defendant discharged from
12 custody.

13 (a-1) Definitions. For the purposes of this Section:

14 (A) (Blank).

15 (B) "In need of mental health services on an inpatient
16 basis" means: a defendant who has been found not guilty by
17 reason of insanity but who, due to mental illness, is
18 reasonably expected to inflict serious physical harm upon
19 himself or another and who would benefit from inpatient
20 care or is in need of inpatient care.

21 (C) "In need of mental health services on an outpatient
22 basis" means: a defendant who has been found not guilty by
23 reason of insanity who is not in need of mental health
24 services on an inpatient basis, but is in need of
25 outpatient care, drug and/or alcohol rehabilitation
26 programs, community adjustment programs, individual,

1 group, or family therapy, or chemotherapy.

2 (D) "Conditional Release" means: the release from
3 either the custody of the Department of Human Services or
4 the custody of the Court of a person who has been found not
5 guilty by reason of insanity under such conditions as the
6 Court may impose which reasonably assure the defendant's
7 satisfactory progress in treatment or habilitation and the
8 safety of the defendant, the victim, the victim's family,
9 and others. The Court shall consider such terms and
10 conditions which may include, but need not be limited to,
11 outpatient care, alcoholic and drug rehabilitation
12 programs, community adjustment programs, individual,
13 group, family, and chemotherapy, random testing to ensure
14 the defendant's timely and continuous taking of any
15 medicines prescribed to control or manage his or her
16 conduct or mental state, and periodic checks with the legal
17 authorities and/or the Department of Human Services. The
18 Court may order as a condition of conditional release that
19 the defendant not contact the victim of the offense that
20 resulted in the finding or verdict of not guilty by reason
21 of insanity or any other person. The Court may order the
22 Department of Human Services to provide care to any person
23 conditionally released under this Section. The Department
24 may contract with any public or private agency in order to
25 discharge any responsibilities imposed under this Section.
26 The Department shall monitor the provision of services to

1 persons conditionally released under this Section and
2 provide periodic reports to the Court concerning the
3 services and the condition of the defendant. Whenever a
4 person is conditionally released pursuant to this Section,
5 the State's Attorney for the county in which the hearing is
6 held shall designate in writing the name, telephone number,
7 and address of a person employed by him or her who shall be
8 notified in the event that either the reporting agency or
9 the Department decides that the conditional release of the
10 defendant should be revoked or modified pursuant to
11 subsection (i) of this Section. Such conditional release
12 shall be for a period of five years. However, the
13 defendant, the person or facility rendering the treatment,
14 therapy, program or outpatient care, the Department, or the
15 State's Attorney may petition the Court for an extension of
16 the conditional release period for an additional 5 years.
17 Upon receipt of such a petition, the Court shall hold a
18 hearing consistent with the provisions of paragraph (a),
19 this paragraph (a-1), and paragraph (f) of this Section,
20 shall determine whether the defendant should continue to be
21 subject to the terms of conditional release, and shall
22 enter an order either extending the defendant's period of
23 conditional release for an additional 5-year period or
24 discharging the defendant. Additional 5-year periods of
25 conditional release may be ordered following a hearing as
26 provided in this Section. However, in no event shall the

1 defendant's period of conditional release continue beyond
2 the maximum period of commitment ordered by the Court
3 pursuant to paragraph (b) of this Section. These provisions
4 for extension of conditional release shall only apply to
5 defendants conditionally released on or after August 8,
6 2003. However, the extension provisions of Public Act
7 83-1449 apply only to defendants charged with a forcible
8 felony.

9 (E) "Facility director" means the chief officer of a
10 mental health or developmental disabilities facility or
11 his or her designee or the supervisor of a program of
12 treatment or habilitation or his or her designee.
13 "Designee" may include a physician, clinical psychologist,
14 social worker, nurse, or clinical professional counselor.

15 (b) If the Court finds the defendant in need of mental
16 health services on an inpatient basis, the admission,
17 detention, care, treatment or habilitation, treatment plans,
18 review proceedings, including review of treatment and
19 treatment plans, and discharge of the defendant after such
20 order shall be under the Mental Health and Developmental
21 Disabilities Code, except that the initial order for admission
22 of a defendant acquitted of a felony by reason of insanity
23 shall be for an indefinite period of time. Such period of
24 commitment shall not exceed the maximum length of time that the
25 defendant would have been required to serve, less credit for
26 good behavior as provided in Section 5-4-1 of the Unified Code

1 of Corrections, before becoming eligible for release had he
2 been convicted of and received the maximum sentence for the
3 most serious crime for which he has been acquitted by reason of
4 insanity. The Court shall determine the maximum period of
5 commitment by an appropriate order. During this period of time,
6 the defendant shall not be permitted to be in the community in
7 any manner, including, but not limited to, off-grounds
8 privileges, with or without escort by personnel of the
9 Department of Human Services, unsupervised on-grounds
10 privileges, discharge or conditional or temporary release,
11 except by a plan as provided in this Section. In no event shall
12 a defendant's continued unauthorized absence be a basis for
13 discharge. Not more than 30 days after admission and every 90
14 days thereafter so long as the initial order remains in effect,
15 the facility director shall file a treatment plan report in
16 writing with the court and forward a copy of the treatment plan
17 report to the clerk of the court, the State's Attorney, and the
18 defendant's attorney, if the defendant is represented by
19 counsel, or to a person authorized by the defendant under the
20 Mental Health and Developmental Disabilities Confidentiality
21 Act to be sent a copy of the report. The report shall include
22 an opinion as to whether the defendant is currently in need of
23 mental health services on an inpatient basis or in need of
24 mental health services on an outpatient basis. The report shall
25 also summarize the basis for those findings and provide a
26 current summary of the following items from the treatment plan:

1 (1) an assessment of the defendant's treatment needs, (2) a
2 description of the services recommended for treatment, (3) the
3 goals of each type of element of service, (4) an anticipated
4 timetable for the accomplishment of the goals, and (5) a
5 designation of the qualified professional responsible for the
6 implementation of the plan. The report may also include
7 unsupervised on-grounds privileges, off-grounds privileges
8 (with or without escort by personnel of the Department of Human
9 Services), home visits and participation in work programs, but
10 only where such privileges have been approved by specific court
11 order, which order may include such conditions on the defendant
12 as the Court may deem appropriate and necessary to reasonably
13 assure the defendant's satisfactory progress in treatment and
14 the safety of the defendant and others.

15 (c) Every defendant acquitted of a felony by reason of
16 insanity and subsequently found to be in need of mental health
17 services shall be represented by counsel in all proceedings
18 under this Section and under the Mental Health and
19 Developmental Disabilities Code.

20 (1) The Court shall appoint as counsel the public
21 defender or an attorney licensed by this State.

22 (2) Upon filing with the Court of a verified statement
23 of legal services rendered by the private attorney
24 appointed pursuant to paragraph (1) of this subsection, the
25 Court shall determine a reasonable fee for such services.

26 If the defendant is unable to pay the fee, the Court shall

1 enter an order upon the State to pay the entire fee or such
2 amount as the defendant is unable to pay from funds
3 appropriated by the General Assembly for that purpose.

4 (d) When the facility director determines that:

5 (1) the defendant is no longer in need of mental health
6 services on an inpatient basis; and

7 (2) the defendant may be conditionally released
8 because he or she is still in need of mental health
9 services or that the defendant may be discharged as not in
10 need of any mental health services; ~~or~~

11 ~~(3) (blank);~~

12 the facility director shall give written notice to the Court,
13 State's Attorney and defense attorney. Such notice shall set
14 forth in detail the basis for the recommendation of the
15 facility director, and specify clearly the recommendations, if
16 any, of the facility director, concerning conditional release.
17 Any recommendation for conditional release shall include an
18 evaluation of the defendant's need for psychotropic
19 medication, what provisions should be made, if any, to ensure
20 that the defendant will continue to receive psychotropic
21 medication following discharge, and what provisions should be
22 made to assure the safety of the defendant and others in the
23 event the defendant is no longer receiving psychotropic
24 medication. Within 30 days of the notification by the facility
25 director, the Court shall set a hearing and make a finding as
26 to whether the defendant is:

- 1 (i) (blank); or
2 (ii) in need of mental health services in the form of
3 inpatient care; or
4 (iii) in need of mental health services but not subject
5 to inpatient care; or
6 (iv) no longer in need of mental health services; or
7 (v) (blank).

8 A crime victim shall be allowed to present an oral and
9 written statement. The court shall allow a victim to make an
10 oral statement if the victim is present in the courtroom and
11 requests to make an oral statement. An oral statement includes
12 the victim or a representative of the victim reading the
13 written statement. A victim and any person making an oral
14 statement shall not be put under oath or subject to
15 cross-examination. All statements shall become part of the
16 record of the court.

17 Upon finding by the Court, the Court shall enter its
18 findings and such appropriate order as provided in subsections
19 (a) and (a-1) of this Section.

20 (e) A defendant admitted pursuant to this Section, or any
21 person on his behalf, may file a petition for treatment plan
22 review or discharge or conditional release under the standards
23 of this Section in the Court which rendered the verdict. Upon
24 receipt of a petition for treatment plan review or discharge or
25 conditional release, the Court shall set a hearing to be held
26 within 120 days. Thereafter, no new petition may be filed for

1 180 days without leave of the Court.

2 (f) The Court shall direct that notice of the time and
3 place of the hearing be served upon the defendant, the facility
4 director, the State's Attorney, and the defendant's attorney.
5 If requested by either the State or the defense or if the Court
6 feels it is appropriate, an impartial examination of the
7 defendant by a psychiatrist or clinical psychologist as defined
8 in Section 1-103 of the Mental Health and Developmental
9 Disabilities Code who is not in the employ of the Department of
10 Human Services shall be ordered, and the report considered at
11 the time of the hearing.

12 (g) The findings of the Court shall be established by clear
13 and convincing evidence. The burden of proof and the burden of
14 going forth with the evidence rest with the defendant or any
15 person on the defendant's behalf when a hearing is held to
16 review a petition filed by or on behalf of the defendant. The
17 evidence shall be presented in open Court with the right of
18 confrontation and cross-examination. Such evidence may
19 include, but is not limited to:

20 (1) whether the defendant appreciates the harm caused
21 by the defendant to others and the community by his or her
22 prior conduct that resulted in the finding of not guilty by
23 reason of insanity;

24 (2) Whether the person appreciates the criminality of
25 conduct similar to the conduct for which he or she was
26 originally charged in this matter;

- 1 (3) the current state of the defendant's illness;
- 2 (4) what, if any, medications the defendant is taking
3 to control his or her mental illness;
- 4 (5) what, if any, adverse physical side effects the
5 medication has on the defendant;
- 6 (6) the length of time it would take for the
7 defendant's mental health to deteriorate if the defendant
8 stopped taking prescribed medication;
- 9 (7) the defendant's history or potential for alcohol
10 and drug abuse;
- 11 (8) the defendant's past criminal history;
- 12 (9) any specialized physical or medical needs of the
13 defendant;
- 14 (10) any family participation or involvement expected
15 upon release and what is the willingness and ability of the
16 family to participate or be involved;
- 17 (11) the defendant's potential to be a danger to
18 himself, herself, or others;
- 19 (11.5) a written or oral statement made by the victim;
20 and
- 21 (12) any other factor or factors the Court deems
22 appropriate.
- 23 (h) Before the court orders that the defendant be
24 discharged or conditionally released, it shall order the
25 facility director to establish a discharge plan that includes a
26 plan for the defendant's shelter, support, and medication. If

1 appropriate, the court shall order that the facility director
2 establish a program to train the defendant in self-medication
3 under standards established by the Department of Human
4 Services. If the Court finds, consistent with the provisions of
5 this Section, that the defendant is no longer in need of mental
6 health services it shall order the facility director to
7 discharge the defendant. If the Court finds, consistent with
8 the provisions of this Section, that the defendant is in need
9 of mental health services, and no longer in need of inpatient
10 care, it shall order the facility director to release the
11 defendant under such conditions as the Court deems appropriate
12 and as provided by this Section. Such conditional release shall
13 be imposed for a period of 5 years as provided in paragraph (D)
14 of subsection (a-1) and shall be subject to later modification
15 by the Court as provided by this Section. If the Court finds
16 consistent with the provisions in this Section that the
17 defendant is in need of mental health services on an inpatient
18 basis, it shall order the facility director not to discharge or
19 release the defendant in accordance with paragraph (b) of this
20 Section.

21 (i) If within the period of the defendant's conditional
22 release the State's Attorney determines that the defendant has
23 not fulfilled the conditions of his or her release, the State's
24 Attorney may petition the Court to revoke or modify the
25 conditional release of the defendant. Upon the filing of such
26 petition the defendant may be remanded to the custody of the

1 Department, or to any other mental health facility designated
2 by the Department, pending the resolution of the petition.
3 Nothing in this Section shall prevent the emergency admission
4 of a defendant pursuant to Article VI of Chapter III of the
5 Mental Health and Developmental Disabilities Code or the
6 voluntary admission of the defendant pursuant to Article IV of
7 Chapter III of the Mental Health and Developmental Disabilities
8 Code. If the Court determines, after hearing evidence, that the
9 defendant has not fulfilled the conditions of release, the
10 Court shall order a hearing to be held consistent with the
11 provisions of paragraph (f) and (g) of this Section. At such
12 hearing, if the Court finds that the defendant is in need of
13 mental health services on an inpatient basis, it shall enter an
14 order remanding him or her to the Department of Human Services
15 or other facility. If the defendant is remanded to the
16 Department of Human Services, he or she shall be placed in a
17 secure setting unless the Court determines that there are
18 compelling reasons that such placement is not necessary. If the
19 Court finds that the defendant continues to be in need of
20 mental health services but not on an inpatient basis, it may
21 modify the conditions of the original release in order to
22 reasonably assure the defendant's satisfactory progress in
23 treatment and his or her safety and the safety of others in
24 accordance with the standards established in paragraph (D) of
25 subsection (a-1). Nothing in this Section shall limit a Court's
26 contempt powers or any other powers of a Court.

1 (j) An order of admission under this Section does not
2 affect the remedy of habeas corpus.

3 (k) In the event of a conflict between this Section and the
4 Mental Health and Developmental Disabilities Code or the Mental
5 Health and Developmental Disabilities Confidentiality Act, the
6 provisions of this Section shall govern.

7 (l) Public Act 90-593 shall apply to all persons who have
8 been found not guilty by reason of insanity and who are
9 presently committed to the Department of Mental Health and
10 Developmental Disabilities (now the Department of Human
11 Services).

12 (m) The Clerk of the Court shall transmit a certified copy
13 of the order of discharge or conditional release to the
14 Department of Human Services, to the sheriff of the county from
15 which the defendant was admitted, to the Illinois Department of
16 State Police, to the proper law enforcement agency for the
17 municipality where the offense took place, and to the sheriff
18 of the county into which the defendant is conditionally
19 discharged. The Illinois Department of State Police shall
20 maintain a centralized record of discharged or conditionally
21 released defendants while they are under court supervision for
22 access and use of appropriate law enforcement agencies.

23 (n) The provisions in this Section which allow ~~allows~~ a
24 crime victim to make a written and oral statement do not apply
25 if the defendant was under 18 years of age at the time the
26 offense was committed.

1 (o) If any provision of this Section or its application to
2 any person or circumstance is held invalid, the invalidity of
3 that provision does not affect any other provision or
4 application of this Section that can be given effect without
5 the invalid provision or application.

6 (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18;
7 100-863, eff. 8-14-18; 100-961, eff. 1-1-19; 101-81, eff.
8 7-12-19; revised 9-24-19.)

9 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

10 Sec. 5-3-2. Presentence report.

11 (a) In felony cases, the presentence report shall set
12 forth:

13 (1) the defendant's history of delinquency or
14 criminality, physical and mental history and condition,
15 family situation and background, economic status,
16 education, occupation and personal habits;

17 (2) information about special resources within the
18 community which might be available to assist the
19 defendant's rehabilitation, including treatment centers,
20 residential facilities, vocational training services,
21 correctional manpower programs, employment opportunities,
22 special educational programs, alcohol and drug abuse
23 programming, psychiatric and marriage counseling, and
24 other programs and facilities which could aid the
25 defendant's successful reintegration into society;

1 (3) the effect the offense committed has had upon the
2 victim or victims thereof, and any compensatory benefit
3 that various sentencing alternatives would confer on such
4 victim or victims;

5 (3.5) information provided by the victim's spouse,
6 guardian, parent, grandparent, and other immediate family
7 and household members about the effect the offense
8 committed has had on the victim and on the person providing
9 the information; if the victim's spouse, guardian, parent,
10 grandparent, or other immediate family or household member
11 has provided a written statement, the statement shall be
12 attached to the report;

13 (4) information concerning the defendant's status
14 since arrest, including his record if released on his own
15 recognizance, or the defendant's achievement record if
16 released on a conditional pre-trial supervision program;

17 (5) when appropriate, a plan, based upon the personal,
18 economic and social adjustment needs of the defendant,
19 utilizing public and private community resources as an
20 alternative to institutional sentencing;

21 (6) any other matters that the investigatory officer
22 deems relevant or the court directs to be included;

23 (7) information concerning the defendant's eligibility
24 for a sentence to a county impact incarceration program
25 under Section 5-8-1.2 of this Code; and

26 (8) information concerning the defendant's eligibility

1 for a sentence to an impact incarceration program
2 administered by the Department under Section 5-8-1.1.

3 (b) The investigation shall include a physical and mental
4 examination of the defendant when so ordered by the court. If
5 the court determines that such an examination should be made,
6 it shall issue an order that the defendant submit to
7 examination at such time and place as designated by the court
8 and that such examination be conducted by a physician,
9 psychologist or psychiatrist designated by the court. Such an
10 examination may be conducted in a court clinic if so ordered by
11 the court. The cost of such examination shall be paid by the
12 county in which the trial is held.

13 (b-5) In cases involving felony sex offenses in which the
14 offender is being considered for probation only or any felony
15 offense that is sexually motivated as defined in the Sex
16 Offender Management Board Act in which the offender is being
17 considered for probation only, the investigation shall include
18 a sex offender evaluation by an evaluator approved by the Board
19 and conducted in conformance with the standards developed under
20 the Sex Offender Management Board Act. In cases in which the
21 offender is being considered for any mandatory prison sentence,
22 the investigation shall not include a sex offender evaluation.

23 (c) In misdemeanor, business offense or petty offense
24 cases, except as specified in subsection (d) of this Section,
25 when a presentence report has been ordered by the court, such
26 presentence report shall contain information on the

1 defendant's history of delinquency or criminality and shall
2 further contain only those matters listed in any of paragraphs
3 (1) through (6) of subsection (a) or in subsection (b) of this
4 Section as are specified by the court in its order for the
5 report.

6 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
7 12-30 of the Criminal Code of 1961 or the Criminal Code of
8 2012, the presentence report shall set forth information about
9 alcohol, drug abuse, psychiatric, and marriage counseling or
10 other treatment programs and facilities, information on the
11 defendant's history of delinquency or criminality, and shall
12 contain those additional matters listed in any of paragraphs
13 (1) through (6) of subsection (a) or in subsection (b) of this
14 Section as are specified by the court.

15 (e) Nothing in this Section shall cause the defendant to be
16 held without bail or to have his bail revoked for the purpose
17 of preparing the presentence report or making an examination.

18 (Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

19 (730 ILCS 5/5-5-3.2)

20 Sec. 5-5-3.2. Factors in aggravation and extended-term
21 sentencing.

22 (a) The following factors shall be accorded weight in favor
23 of imposing a term of imprisonment or may be considered by the
24 court as reasons to impose a more severe sentence under Section
25 5-8-1 or Article 4.5 of Chapter V:

1 (1) the defendant's conduct caused or threatened
2 serious harm;

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency or
6 criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular offense
9 committed or to bring the offenders committing it to
10 justice;

11 (5) the defendant held public office at the time of the
12 offense, and the offense related to the conduct of that
13 office;

14 (6) the defendant utilized his professional reputation
15 or position in the community to commit the offense, or to
16 afford him an easier means of committing it;

17 (7) the sentence is necessary to deter others from
18 committing the same crime;

19 (8) the defendant committed the offense against a
20 person 60 years of age or older or such person's property;

21 (9) the defendant committed the offense against a
22 person who has a physical disability or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense
2 against (i) the person or property of that individual; (ii)
3 the person or property of a person who has an association
4 with, is married to, or has a friendship with the other
5 individual; or (iii) the person or property of a relative
6 (by blood or marriage) of a person described in clause (i)
7 or (ii). For the purposes of this Section, "sexual
8 orientation" has the meaning ascribed to it in paragraph
9 (0-1) of Section 1-103 of the Illinois Human Rights Act;

10 (11) the offense took place in a place of worship or on
11 the grounds of a place of worship, immediately prior to,
12 during or immediately following worship services. For
13 purposes of this subparagraph, "place of worship" shall
14 mean any church, synagogue or other building, structure or
15 place used primarily for religious worship;

16 (12) the defendant was convicted of a felony committed
17 while he was released on bail or his own recognizance
18 pending trial for a prior felony and was convicted of such
19 prior felony, or the defendant was convicted of a felony
20 committed while he was serving a period of probation,
21 conditional discharge, or mandatory supervised release
22 under subsection (d) of Section 5-8-1 for a prior felony;

23 (13) the defendant committed or attempted to commit a
24 felony while he was wearing a bulletproof vest. For the
25 purposes of this paragraph (13), a bulletproof vest is any
26 device which is designed for the purpose of protecting the

1 wearer from bullets, shot or other lethal projectiles;

2 (14) the defendant held a position of trust or
3 supervision such as, but not limited to, family member as
4 defined in Section 11-0.1 of the Criminal Code of 2012,
5 teacher, scout leader, baby sitter, or day care worker, in
6 relation to a victim under 18 years of age, and the
7 defendant committed an offense in violation of Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
9 11-14.4 except for an offense that involves keeping a place
10 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
11 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
12 or 12-16 of the Criminal Code of 1961 or the Criminal Code
13 of 2012 against that victim;

14 (15) the defendant committed an offense related to the
15 activities of an organized gang. For the purposes of this
16 factor, "organized gang" has the meaning ascribed to it in
17 Section 10 of the Streetgang Terrorism Omnibus Prevention
18 Act;

19 (16) the defendant committed an offense in violation of
20 one of the following Sections while in a school, regardless
21 of the time of day or time of year; on any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity; on
24 the real property of a school; or on a public way within
25 1,000 feet of the real property comprising any school:
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision
5 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

7 (16.5) the defendant committed an offense in violation
8 of one of the following Sections while in a day care
9 center, regardless of the time of day or time of year; on
10 the real property of a day care center, regardless of the
11 time of day or time of year; or on a public way within
12 1,000 feet of the real property comprising any day care
13 center, regardless of the time of day or time of year:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

21 (17) the defendant committed the offense by reason of
22 any person's activity as a community policing volunteer or
23 to prevent any person from engaging in activity as a
24 community policing volunteer. For the purpose of this
25 Section, "community policing volunteer" has the meaning
26 ascribed to it in Section 2-3.5 of the Criminal Code of

1 2012;

2 (18) the defendant committed the offense in a nursing
3 home or on the real property comprising a nursing home. For
4 the purposes of this paragraph (18), "nursing home" means a
5 skilled nursing or intermediate long term care facility
6 that is subject to license by the Illinois Department of
7 Public Health under the Nursing Home Care Act, the
8 Specialized Mental Health Rehabilitation Act of 2013, the
9 ID/DD Community Care Act, or the MC/DD Act;

10 (19) the defendant was a federally licensed firearm
11 dealer and was previously convicted of a violation of
12 subsection (a) of Section 3 of the Firearm Owners
13 Identification Card Act and has now committed either a
14 felony violation of the Firearm Owners Identification Card
15 Act or an act of armed violence while armed with a firearm;

16 (20) the defendant (i) committed the offense of
17 reckless homicide under Section 9-3 of the Criminal Code of
18 1961 or the Criminal Code of 2012 or the offense of driving
19 under the influence of alcohol, other drug or drugs,
20 intoxicating compound or compounds or any combination
21 thereof under Section 11-501 of the Illinois Vehicle Code
22 or a similar provision of a local ordinance and (ii) was
23 operating a motor vehicle in excess of 20 miles per hour
24 over the posted speed limit as provided in Article VI of
25 Chapter 11 of the Illinois Vehicle Code;

26 (21) the defendant (i) committed the offense of

1 reckless driving or aggravated reckless driving under
2 Section 11-503 of the Illinois Vehicle Code and (ii) was
3 operating a motor vehicle in excess of 20 miles per hour
4 over the posted speed limit as provided in Article VI of
5 Chapter 11 of the Illinois Vehicle Code;

6 (22) the defendant committed the offense against a
7 person that the defendant knew, or reasonably should have
8 known, was a member of the Armed Forces of the United
9 States serving on active duty. For purposes of this clause
10 (22), the term "Armed Forces" means any of the Armed Forces
11 of the United States, including a member of any reserve
12 component thereof or National Guard unit called to active
13 duty;

14 (23) the defendant committed the offense against a
15 person who was elderly or infirm or who was a person with a
16 disability by taking advantage of a family or fiduciary
17 relationship with the elderly or infirm person or person
18 with a disability;

19 (24) the defendant committed any offense under Section
20 11-20.1 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 and possessed 100 or more images;

22 (25) the defendant committed the offense while the
23 defendant or the victim was in a train, bus, or other
24 vehicle used for public transportation;

25 (26) the defendant committed the offense of child
26 pornography or aggravated child pornography, specifically

1 including paragraph (1), (2), (3), (4), (5), or (7) of
2 subsection (a) of Section 11-20.1 of the Criminal Code of
3 1961 or the Criminal Code of 2012 where a child engaged in,
4 solicited for, depicted in, or posed in any act of sexual
5 penetration or bound, fettered, or subject to sadistic,
6 masochistic, or sadomasochistic abuse in a sexual context
7 and specifically including paragraph (1), (2), (3), (4),
8 (5), or (7) of subsection (a) of Section 11-20.1B or
9 Section 11-20.3 of the Criminal Code of 1961 where a child
10 engaged in, solicited for, depicted in, or posed in any act
11 of sexual penetration or bound, fettered, or subject to
12 sadistic, masochistic, or sadomasochistic abuse in a
13 sexual context;

14 (27) the defendant committed the offense of first
15 degree murder, assault, aggravated assault, battery,
16 aggravated battery, robbery, armed robbery, or aggravated
17 robbery against a person who was a veteran and the
18 defendant knew, or reasonably should have known, that the
19 person was a veteran performing duties as a representative
20 of a veterans' organization. For the purposes of this
21 paragraph (27), "veteran" means an Illinois resident who
22 has served as a member of the United States Armed Forces, a
23 member of the Illinois National Guard, or a member of the
24 United States Reserve Forces; and "veterans' organization"
25 means an organization comprised of members of which
26 substantially all are individuals who are veterans or

1 spouses, widows, or widowers of veterans, the primary
2 purpose of which is to promote the welfare of its members
3 and to provide assistance to the general public in such a
4 way as to confer a public benefit;

5 (28) the defendant committed the offense of assault,
6 aggravated assault, battery, aggravated battery, robbery,
7 armed robbery, or aggravated robbery against a person that
8 the defendant knew or reasonably should have known was a
9 letter carrier or postal worker while that person was
10 performing his or her duties delivering mail for the United
11 States Postal Service;

12 (29) the defendant committed the offense of criminal
13 sexual assault, aggravated criminal sexual assault,
14 criminal sexual abuse, or aggravated criminal sexual abuse
15 against a victim with an intellectual disability, and the
16 defendant holds a position of trust, authority, or
17 supervision in relation to the victim;

18 (30) the defendant committed the offense of promoting
19 juvenile prostitution, patronizing a prostitute, or
20 patronizing a minor engaged in prostitution and at the time
21 of the commission of the offense knew that the prostitute
22 or minor engaged in prostitution was in the custody or
23 guardianship of the Department of Children and Family
24 Services;

25 (31) the defendant (i) committed the offense of driving
26 while under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds or any combination
2 thereof in violation of Section 11-501 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance
4 and (ii) the defendant during the commission of the offense
5 was driving his or her vehicle upon a roadway designated
6 for one-way traffic in the opposite direction of the
7 direction indicated by official traffic control devices;

8 ~~or~~

9 (32) the defendant committed the offense of reckless
10 homicide while committing a violation of Section 11-907 of
11 the Illinois Vehicle Code;~~;~~

12 (33) ~~(32)~~ the defendant was found guilty of an
13 administrative infraction related to an act or acts of
14 public indecency or sexual misconduct in the penal
15 institution. In this paragraph (33) ~~(32)~~, "penal
16 institution" has the same meaning as in Section 2-14 of the
17 Criminal Code of 2012; or~~;~~

18 (34) ~~(32)~~ the defendant committed the offense of
19 leaving the scene of an accident in violation of subsection
20 (b) of Section 11-401 of the Illinois Vehicle Code and the
21 accident resulted in the death of a person and at the time
22 of the offense, the defendant was: (i) driving under the
23 influence of alcohol, other drug or drugs, intoxicating
24 compound or compounds or any combination thereof as defined
25 by Section 11-501 of the Illinois Vehicle Code; or (ii)
26 operating the motor vehicle while using an electronic

1 communication device as defined in Section 12-610.2 of the
2 Illinois Vehicle Code.

3 For the purposes of this Section:

4 "School" is defined as a public or private elementary or
5 secondary school, community college, college, or university.

6 "Day care center" means a public or private State certified
7 and licensed day care center as defined in Section 2.09 of the
8 Child Care Act of 1969 that displays a sign in plain view
9 stating that the property is a day care center.

10 "Intellectual disability" means significantly subaverage
11 intellectual functioning which exists concurrently with
12 impairment in adaptive behavior.

13 "Public transportation" means the transportation or
14 conveyance of persons by means available to the general public,
15 and includes paratransit services.

16 "Traffic control devices" means all signs, signals,
17 markings, and devices that conform to the Illinois Manual on
18 Uniform Traffic Control Devices, placed or erected by authority
19 of a public body or official having jurisdiction, for the
20 purpose of regulating, warning, or guiding traffic.

21 (b) The following factors, related to all felonies, may be
22 considered by the court as reasons to impose an extended term
23 sentence under Section 5-8-2 upon any offender:

24 (1) When a defendant is convicted of any felony, after
25 having been previously convicted in Illinois or any other
26 jurisdiction of the same or similar class felony or greater

1 class felony, when such conviction has occurred within 10
2 years after the previous conviction, excluding time spent
3 in custody, and such charges are separately brought and
4 tried and arise out of different series of acts; or

5 (2) When a defendant is convicted of any felony and the
6 court finds that the offense was accompanied by
7 exceptionally brutal or heinous behavior indicative of
8 wanton cruelty; or

9 (3) When a defendant is convicted of any felony
10 committed against:

11 (i) a person under 12 years of age at the time of
12 the offense or such person's property;

13 (ii) a person 60 years of age or older at the time
14 of the offense or such person's property; or

15 (iii) a person who had a physical disability at the
16 time of the offense or such person's property; or

17 (4) When a defendant is convicted of any felony and the
18 offense involved any of the following types of specific
19 misconduct committed as part of a ceremony, rite,
20 initiation, observance, performance, practice or activity
21 of any actual or ostensible religious, fraternal, or social
22 group:

23 (i) the brutalizing or torturing of humans or
24 animals;

25 (ii) the theft of human corpses;

26 (iii) the kidnapping of humans;

1 (iv) the desecration of any cemetery, religious,
2 fraternal, business, governmental, educational, or
3 other building or property; or

4 (v) ritualized abuse of a child; or

5 (5) When a defendant is convicted of a felony other
6 than conspiracy and the court finds that the felony was
7 committed under an agreement with 2 or more other persons
8 to commit that offense and the defendant, with respect to
9 the other individuals, occupied a position of organizer,
10 supervisor, financier, or any other position of management
11 or leadership, and the court further finds that the felony
12 committed was related to or in furtherance of the criminal
13 activities of an organized gang or was motivated by the
14 defendant's leadership in an organized gang; or

15 (6) When a defendant is convicted of an offense
16 committed while using a firearm with a laser sight attached
17 to it. For purposes of this paragraph, "laser sight" has
18 the meaning ascribed to it in Section 26-7 of the Criminal
19 Code of 2012; or

20 (7) When a defendant who was at least 17 years of age
21 at the time of the commission of the offense is convicted
22 of a felony and has been previously adjudicated a
23 delinquent minor under the Juvenile Court Act of 1987 for
24 an act that if committed by an adult would be a Class X or
25 Class 1 felony when the conviction has occurred within 10
26 years after the previous adjudication, excluding time

1 spent in custody; or

2 (8) When a defendant commits any felony and the
3 defendant used, possessed, exercised control over, or
4 otherwise directed an animal to assault a law enforcement
5 officer engaged in the execution of his or her official
6 duties or in furtherance of the criminal activities of an
7 organized gang in which the defendant is engaged; or

8 (9) When a defendant commits any felony and the
9 defendant knowingly video or audio records the offense with
10 the intent to disseminate the recording.

11 (c) The following factors may be considered by the court as
12 reasons to impose an extended term sentence under Section 5-8-2
13 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

14 (1) When a defendant is convicted of first degree
15 murder, after having been previously convicted in Illinois
16 of any offense listed under paragraph (c)(2) of Section
17 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
18 within 10 years after the previous conviction, excluding
19 time spent in custody, and the charges are separately
20 brought and tried and arise out of different series of
21 acts.

22 (1.5) When a defendant is convicted of first degree
23 murder, after having been previously convicted of domestic
24 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
25 (720 ILCS 5/12-3.3) committed on the same victim or after
26 having been previously convicted of violation of an order

1 of protection (720 ILCS 5/12-30) in which the same victim
2 was the protected person.

3 (2) When a defendant is convicted of voluntary
4 manslaughter, second degree murder, involuntary
5 manslaughter, or reckless homicide in which the defendant
6 has been convicted of causing the death of more than one
7 individual.

8 (3) When a defendant is convicted of aggravated
9 criminal sexual assault or criminal sexual assault, when
10 there is a finding that aggravated criminal sexual assault
11 or criminal sexual assault was also committed on the same
12 victim by one or more other individuals, and the defendant
13 voluntarily participated in the crime with the knowledge of
14 the participation of the others in the crime, and the
15 commission of the crime was part of a single course of
16 conduct during which there was no substantial change in the
17 nature of the criminal objective.

18 (4) If the victim was under 18 years of age at the time
19 of the commission of the offense, when a defendant is
20 convicted of aggravated criminal sexual assault or
21 predatory criminal sexual assault of a child under
22 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
23 of Section 12-14.1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

25 (5) When a defendant is convicted of a felony violation
26 of Section 24-1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
2 finding that the defendant is a member of an organized
3 gang.

4 (6) When a defendant was convicted of unlawful use of
5 weapons under Section 24-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
7 a weapon that is not readily distinguishable as one of the
8 weapons enumerated in Section 24-1 of the Criminal Code of
9 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

10 (7) When a defendant is convicted of an offense
11 involving the illegal manufacture of a controlled
12 substance under Section 401 of the Illinois Controlled
13 Substances Act (720 ILCS 570/401), the illegal manufacture
14 of methamphetamine under Section 25 of the Methamphetamine
15 Control and Community Protection Act (720 ILCS 646/25), or
16 the illegal possession of explosives and an emergency
17 response officer in the performance of his or her duties is
18 killed or injured at the scene of the offense while
19 responding to the emergency caused by the commission of the
20 offense. In this paragraph, "emergency" means a situation
21 in which a person's life, health, or safety is in jeopardy;
22 and "emergency response officer" means a peace officer,
23 community policing volunteer, fireman, emergency medical
24 technician-ambulance, emergency medical
25 technician-intermediate, emergency medical
26 technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency
2 room personnel.

3 (8) When the defendant is convicted of attempted mob
4 action, solicitation to commit mob action, or conspiracy to
5 commit mob action under Section 8-1, 8-2, or 8-4 of the
6 Criminal Code of 2012, where the criminal object is a
7 violation of Section 25-1 of the Criminal Code of 2012, and
8 an electronic communication is used in the commission of
9 the offense. For the purposes of this paragraph (8),
10 "electronic communication" shall have the meaning provided
11 in Section 26.5-0.1 of the Criminal Code of 2012.

12 (d) For the purposes of this Section, "organized gang" has
13 the meaning ascribed to it in Section 10 of the Illinois
14 Streetgang Terrorism Omnibus Prevention Act.

15 (e) The court may impose an extended term sentence under
16 Article 4.5 of Chapter V upon an offender who has been
17 convicted of a felony violation of Section 11-1.20, 11-1.30,
18 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
19 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
20 when the victim of the offense is under 18 years of age at the
21 time of the commission of the offense and, during the
22 commission of the offense, the victim was under the influence
23 of alcohol, regardless of whether or not the alcohol was
24 supplied by the offender; and the offender, at the time of the
25 commission of the offense, knew or should have known that the
26 victim had consumed alcohol.

1 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
2 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

3 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

4 Sec. 5-6-3. Conditions of probation and of conditional
5 discharge.

6 (a) The conditions of probation and of conditional
7 discharge shall be that the person:

8 (1) not violate any criminal statute of any
9 jurisdiction;

10 (2) report to or appear in person before such person or
11 agency as directed by the court;

12 (3) refrain from possessing a firearm or other
13 dangerous weapon where the offense is a felony or, if a
14 misdemeanor, the offense involved the intentional or
15 knowing infliction of bodily harm or threat of bodily harm;

16 (4) not leave the State without the consent of the
17 court or, in circumstances in which the reason for the
18 absence is of such an emergency nature that prior consent
19 by the court is not possible, without the prior
20 notification and approval of the person's probation
21 officer. Transfer of a person's probation or conditional
22 discharge supervision to another state is subject to
23 acceptance by the other state pursuant to the Interstate
24 Compact for Adult Offender Supervision;

25 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his
2 duties;

3 (6) perform no less than 30 hours of community service
4 and not more than 120 hours of community service, if
5 community service is available in the jurisdiction and is
6 funded and approved by the county board where the offense
7 was committed, where the offense was related to or in
8 furtherance of the criminal activities of an organized gang
9 and was motivated by the offender's membership in or
10 allegiance to an organized gang. The community service
11 shall include, but not be limited to, the cleanup and
12 repair of any damage caused by a violation of Section
13 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
14 2012 and similar damage to property located within the
15 municipality or county in which the violation occurred.
16 When possible and reasonable, the community service should
17 be performed in the offender's neighborhood. For purposes
18 of this Section, "organized gang" has the meaning ascribed
19 to it in Section 10 of the Illinois Streetgang Terrorism
20 Omnibus Prevention Act. The court may give credit toward
21 the fulfillment of community service hours for
22 participation in activities and treatment as determined by
23 court services;

24 (7) if he or she is at least 17 years of age and has
25 been sentenced to probation or conditional discharge for a
26 misdemeanor or felony in a county of 3,000,000 or more

1 inhabitants and has not been previously convicted of a
2 misdemeanor or felony, may be required by the sentencing
3 court to attend educational courses designed to prepare the
4 defendant for a high school diploma and to work toward a
5 high school diploma or to work toward passing high school
6 equivalency testing or to work toward completing a
7 vocational training program approved by the court. The
8 person on probation or conditional discharge must attend a
9 public institution of education to obtain the educational
10 or vocational training required by this paragraph (7). The
11 court shall revoke the probation or conditional discharge
12 of a person who wilfully fails to comply with this
13 paragraph (7). The person on probation or conditional
14 discharge shall be required to pay for the cost of the
15 educational courses or high school equivalency testing if a
16 fee is charged for those courses or testing. The court
17 shall resentence the offender whose probation or
18 conditional discharge has been revoked as provided in
19 Section 5-6-4. This paragraph (7) does not apply to a
20 person who has a high school diploma or has successfully
21 passed high school equivalency testing. This paragraph (7)
22 does not apply to a person who is determined by the court
23 to be a person with a developmental disability or otherwise
24 mentally incapable of completing the educational or
25 vocational program;

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act after a previous conviction or
4 disposition of supervision for possession of a substance
5 prohibited by the Cannabis Control Act or Illinois
6 Controlled Substances Act or after a sentence of probation
7 under Section 10 of the Cannabis Control Act, Section 410
8 of the Illinois Controlled Substances Act, or Section 70 of
9 the Methamphetamine Control and Community Protection Act
10 and upon a finding by the court that the person is
11 addicted, undergo treatment at a substance abuse program
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined
14 in the Sex Offender Management Board Act, the person shall
15 undergo and successfully complete sex offender treatment
16 by a treatment provider approved by the Board and conducted
17 in conformance with the standards developed under the Sex
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing at
21 the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders;

4 (8.7) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464) that
6 would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, refrain from
9 communicating with or contacting, by means of the Internet,
10 a person who is not related to the accused and whom the
11 accused reasonably believes to be under 18 years of age;
12 for purposes of this paragraph (8.7), "Internet" has the
13 meaning ascribed to it in Section 16-0.1 of the Criminal
14 Code of 2012; and a person is not related to the accused if
15 the person is not: (i) the spouse, brother, or sister of
16 the accused; (ii) a descendant of the accused; (iii) a
17 first or second cousin of the accused; or (iv) a step-child
18 or adopted child of the accused;

19 (8.8) if convicted for an offense under Section 11-6,
20 11-9.1, 11-14.4 that involves soliciting for a juvenile
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 or any attempt to commit any of these offenses, committed
24 on or after June 1, 2009 (the effective date of Public Act
25 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the offender's probation officer,
3 except in connection with the offender's employment or
4 search for employment with the prior approval of the
5 offender's probation officer;

6 (ii) submit to periodic unannounced examinations
7 of the offender's computer or any other device with
8 Internet capability by the offender's probation
9 officer, a law enforcement officer, or assigned
10 computer or information technology specialist,
11 including the retrieval and copying of all data from
12 the computer or device and any internal or external
13 peripherals and removal of such information,
14 equipment, or device to conduct a more thorough
15 inspection;

16 (iii) submit to the installation on the offender's
17 computer or device with Internet capability, at the
18 offender's expense, of one or more hardware or software
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a
22 computer or any other device with Internet capability
23 imposed by the offender's probation officer;

24 (8.9) if convicted of a sex offense as defined in the
25 Sex Offender Registration Act committed on or after January
26 1, 2010 (the effective date of Public Act 96-262), refrain

1 from accessing or using a social networking website as
2 defined in Section 17-0.5 of the Criminal Code of 2012;

3 (9) if convicted of a felony or of any misdemeanor
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
6 2012 that was determined, pursuant to Section 112A-11.1 of
7 the Code of Criminal Procedure of 1963, to trigger the
8 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
9 at a time and place designated by the court, his or her
10 Firearm Owner's Identification Card and any and all
11 firearms in his or her possession. The Court shall return
12 to the Department of State Police Firearm Owner's
13 Identification Card Office the person's Firearm Owner's
14 Identification Card;

15 (10) if convicted of a sex offense as defined in
16 subsection (a-5) of Section 3-1-2 of this Code, unless the
17 offender is a parent or guardian of the person under 18
18 years of age present in the home and no non-familial minors
19 are present, not participate in a holiday event involving
20 children under 18 years of age, such as distributing candy
21 or other items to children on Halloween, wearing a Santa
22 Claus costume on or preceding Christmas, being employed as
23 a department store Santa Claus, or wearing an Easter Bunny
24 costume on or preceding Easter;

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;

5 (12) if convicted of a violation of the Methamphetamine
6 Control and Community Protection Act, the Methamphetamine
7 Precursor Control Act, or a methamphetamine related
8 offense:

9 (A) prohibited from purchasing, possessing, or
10 having under his or her control any product containing
11 pseudoephedrine unless prescribed by a physician; and

12 (B) prohibited from purchasing, possessing, or
13 having under his or her control any product containing
14 ammonium nitrate; and

15 (13) if convicted of a hate crime involving the
16 protected class identified in subsection (a) of Section
17 12-7.1 of the Criminal Code of 2012 that gave rise to the
18 offense the offender committed, perform public or
19 community service of no less than 200 hours and enroll in
20 an educational program discouraging hate crimes that
21 includes racial, ethnic, and cultural sensitivity training
22 ordered by the court.

23 (b) The Court may in addition to other reasonable
24 conditions relating to the nature of the offense or the
25 rehabilitation of the defendant as determined for each
26 defendant in the proper discretion of the Court require that

1 the person:

2 (1) serve a term of periodic imprisonment under Article
3 7 for a period not to exceed that specified in paragraph
4 (d) of Section 5-7-1;

5 (2) pay a fine and costs;

6 (3) work or pursue a course of study or vocational
7 training;

8 (4) undergo medical, psychological or psychiatric
9 treatment; or treatment for drug addiction or alcoholism;

10 (5) attend or reside in a facility established for the
11 instruction or residence of defendants on probation;

12 (6) support his dependents;

13 (7) and in addition, if a minor:

14 (i) reside with his parents or in a foster home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 (iv) contribute to his own support at home or in a
18 foster home;

19 (v) with the consent of the superintendent of the
20 facility, attend an educational program at a facility
21 other than the school in which the offense was
22 committed if he or she is convicted of a crime of
23 violence as defined in Section 2 of the Crime Victims
24 Compensation Act committed in a school, on the real
25 property comprising a school, or within 1,000 feet of
26 the real property comprising a school;

1 (8) make restitution as provided in Section 5-5-6 of
2 this Code;

3 (9) perform some reasonable public or community
4 service;

5 (10) serve a term of home confinement. In addition to
6 any other applicable condition of probation or conditional
7 discharge, the conditions of home confinement shall be that
8 the offender:

9 (i) remain within the interior premises of the
10 place designated for his confinement during the hours
11 designated by the court;

12 (ii) admit any person or agent designated by the
13 court into the offender's place of confinement at any
14 time for purposes of verifying the offender's
15 compliance with the conditions of his confinement; and

16 (iii) if further deemed necessary by the court or
17 the Probation or Court Services Department, be placed
18 on an approved electronic monitoring device, subject
19 to Article 8A of Chapter V;

20 (iv) for persons convicted of any alcohol,
21 cannabis or controlled substance violation who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

1 determining the inability of the offender to pay the
2 fee, the court assesses a lesser fee or no fee as the
3 case may be. This fee shall be imposed in addition to
4 the fees imposed under subsections (g) and (i) of this
5 Section. The fee shall be collected by the clerk of the
6 circuit court, except as provided in an administrative
7 order of the Chief Judge of the circuit court. The
8 clerk of the circuit court shall pay all monies
9 collected from this fee to the county treasurer for
10 deposit in the substance abuse services fund under
11 Section 5-1086.1 of the Counties Code, except as
12 provided in an administrative order of the Chief Judge
13 of the circuit court.

14 The Chief Judge of the circuit court of the county
15 may by administrative order establish a program for
16 electronic monitoring of offenders, in which a vendor
17 supplies and monitors the operation of the electronic
18 monitoring device, and collects the fees on behalf of
19 the county. The program shall include provisions for
20 indigent offenders and the collection of unpaid fees.
21 The program shall not unduly burden the offender and
22 shall be subject to review by the Chief Judge.

23 The Chief Judge of the circuit court may suspend
24 any additional charges or fees for late payment,
25 interest, or damage to any device; and

26 (v) for persons convicted of offenses other than

1 those referenced in clause (iv) above and who are
2 placed on an approved monitoring device as a condition
3 of probation or conditional discharge, the court shall
4 impose a reasonable fee for each day of the use of the
5 device, as established by the county board in
6 subsection (g) of this Section, unless after
7 determining the inability of the defendant to pay the
8 fee, the court assesses a lesser fee or no fee as the
9 case may be. This fee shall be imposed in addition to
10 the fees imposed under subsections (g) and (i) of this
11 Section. The fee shall be collected by the clerk of the
12 circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The
14 clerk of the circuit court shall pay all monies
15 collected from this fee to the county treasurer who
16 shall use the monies collected to defray the costs of
17 corrections. The county treasurer shall deposit the
18 fee collected in the probation and court services fund.
19 The Chief Judge of the circuit court of the county may
20 by administrative order establish a program for
21 electronic monitoring of offenders, in which a vendor
22 supplies and monitors the operation of the electronic
23 monitoring device, and collects the fees on behalf of
24 the county. The program shall include provisions for
25 indigent offenders and the collection of unpaid fees.
26 The program shall not unduly burden the offender and

1 shall be subject to review by the Chief Judge.

2 The Chief Judge of the circuit court may suspend
3 any additional charges or fees for late payment,
4 interest, or damage to any device.

5 (11) comply with the terms and conditions of an order
6 of protection issued by the court pursuant to the Illinois
7 Domestic Violence Act of 1986, as now or hereafter amended,
8 or an order of protection issued by the court of another
9 state, tribe, or United States territory. A copy of the
10 order of protection shall be transmitted to the probation
11 officer or agency having responsibility for the case;

12 (12) reimburse any "local anti-crime program" as
13 defined in Section 7 of the Anti-Crime Advisory Council Act
14 for any reasonable expenses incurred by the program on the
15 offender's case, not to exceed the maximum amount of the
16 fine authorized for the offense for which the defendant was
17 sentenced;

18 (13) contribute a reasonable sum of money, not to
19 exceed the maximum amount of the fine authorized for the
20 offense for which the defendant was sentenced, (i) to a
21 "local anti-crime program", as defined in Section 7 of the
22 Anti-Crime Advisory Council Act, or (ii) for offenses under
23 the jurisdiction of the Department of Natural Resources, to
24 the fund established by the Department of Natural Resources
25 for the purchase of evidence for investigation purposes and
26 to conduct investigations as outlined in Section 805-105 of

1 the Department of Natural Resources (Conservation) Law;

2 (14) refrain from entering into a designated
3 geographic area except upon such terms as the court finds
4 appropriate. Such terms may include consideration of the
5 purpose of the entry, the time of day, other persons
6 accompanying the defendant, and advance approval by a
7 probation officer, if the defendant has been placed on
8 probation or advance approval by the court, if the
9 defendant was placed on conditional discharge;

10 (15) refrain from having any contact, directly or
11 indirectly, with certain specified persons or particular
12 types of persons, including but not limited to members of
13 street gangs and drug users or dealers;

14 (16) refrain from having in his or her body the
15 presence of any illicit drug prohibited by the Cannabis
16 Control Act, the Illinois Controlled Substances Act, or the
17 Methamphetamine Control and Community Protection Act,
18 unless prescribed by a physician, and submit samples of his
19 or her blood or urine or both for tests to determine the
20 presence of any illicit drug;

21 (17) if convicted for an offense committed on or after
22 June 1, 2008 (the effective date of Public Act 95-464) that
23 would qualify the accused as a child sex offender as
24 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
25 1961 or the Criminal Code of 2012, refrain from
26 communicating with or contacting, by means of the Internet,

1 a person who is related to the accused and whom the accused
2 reasonably believes to be under 18 years of age; for
3 purposes of this paragraph (17), "Internet" has the meaning
4 ascribed to it in Section 16-0.1 of the Criminal Code of
5 2012; and a person is related to the accused if the person
6 is: (i) the spouse, brother, or sister of the accused; (ii)
7 a descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (18) if convicted for an offense committed on or after
11 June 1, 2009 (the effective date of Public Act 95-983) that
12 would qualify as a sex offense as defined in the Sex
13 Offender Registration Act:

14 (i) not access or use a computer or any other
15 device with Internet capability without the prior
16 written approval of the offender's probation officer,
17 except in connection with the offender's employment or
18 search for employment with the prior approval of the
19 offender's probation officer;

20 (ii) submit to periodic unannounced examinations
21 of the offender's computer or any other device with
22 Internet capability by the offender's probation
23 officer, a law enforcement officer, or assigned
24 computer or information technology specialist,
25 including the retrieval and copying of all data from
26 the computer or device and any internal or external

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 subject's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the offender's probation officer; and

12 (19) refrain from possessing a firearm or other
13 dangerous weapon where the offense is a misdemeanor that
14 did not involve the intentional or knowing infliction of
15 bodily harm or threat of bodily harm.

16 (c) The court may as a condition of probation or of
17 conditional discharge require that a person under 18 years of
18 age found guilty of any alcohol, cannabis or controlled
19 substance violation, refrain from acquiring a driver's license
20 during the period of probation or conditional discharge. If
21 such person is in possession of a permit or license, the court
22 may require that the minor refrain from driving or operating
23 any motor vehicle during the period of probation or conditional
24 discharge, except as may be necessary in the course of the
25 minor's lawful employment.

26 (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the
2 conditions thereof.

3 (e) Except where the offender has committed a fourth or
4 subsequent violation of subsection (c) of Section 6-303 of the
5 Illinois Vehicle Code, the court shall not require as a
6 condition of the sentence of probation or conditional discharge
7 that the offender be committed to a period of imprisonment in
8 excess of 6 months. This 6-month limit shall not include
9 periods of confinement given pursuant to a sentence of county
10 impact incarceration under Section 5-8-1.2.

11 Persons committed to imprisonment as a condition of
12 probation or conditional discharge shall not be committed to
13 the Department of Corrections.

14 (f) The court may combine a sentence of periodic
15 imprisonment under Article 7 or a sentence to a county impact
16 incarceration program under Article 8 with a sentence of
17 probation or conditional discharge.

18 (g) An offender sentenced to probation or to conditional
19 discharge and who during the term of either undergoes mandatory
20 drug or alcohol testing, or both, or is assigned to be placed
21 on an approved electronic monitoring device, shall be ordered
22 to pay all costs incidental to such mandatory drug or alcohol
23 testing, or both, and all costs incidental to such approved
24 electronic monitoring in accordance with the defendant's
25 ability to pay those costs. The county board with the
26 concurrence of the Chief Judge of the judicial circuit in which

1 the county is located shall establish reasonable fees for the
2 cost of maintenance, testing, and incidental expenses related
3 to the mandatory drug or alcohol testing, or both, and all
4 costs incidental to approved electronic monitoring, involved
5 in a successful probation program for the county. The
6 concurrence of the Chief Judge shall be in the form of an
7 administrative order. The fees shall be collected by the clerk
8 of the circuit court, except as provided in an administrative
9 order of the Chief Judge of the circuit court. The clerk of the
10 circuit court shall pay all moneys collected from these fees to
11 the county treasurer who shall use the moneys collected to
12 defray the costs of drug testing, alcohol testing, and
13 electronic monitoring. The county treasurer shall deposit the
14 fees collected in the county working cash fund under Section
15 6-27001 or Section 6-29002 of the Counties Code, as the case
16 may be. The Chief Judge of the circuit court of the county may
17 by administrative order establish a program for electronic
18 monitoring of offenders, in which a vendor supplies and
19 monitors the operation of the electronic monitoring device, and
20 collects the fees on behalf of the county. The program shall
21 include provisions for indigent offenders and the collection of
22 unpaid fees. The program shall not unduly burden the offender
23 and shall be subject to review by the Chief Judge.

24 The Chief Judge of the circuit court may suspend any
25 additional charges or fees for late payment, interest, or
26 damage to any device.

1 (h) Jurisdiction over an offender may be transferred from
2 the sentencing court to the court of another circuit with the
3 concurrence of both courts. Further transfers or retransfers of
4 jurisdiction are also authorized in the same manner. The court
5 to which jurisdiction has been transferred shall have the same
6 powers as the sentencing court. The probation department within
7 the circuit to which jurisdiction has been transferred, or
8 which has agreed to provide supervision, may impose probation
9 fees upon receiving the transferred offender, as provided in
10 subsection (i). For all transfer cases, as defined in Section
11 9b of the Probation and Probation Officers Act, the probation
12 department from the original sentencing court shall retain all
13 probation fees collected prior to the transfer. After the
14 transfer, all probation fees shall be paid to the probation
15 department within the circuit to which jurisdiction has been
16 transferred.

17 (i) The court shall impose upon an offender sentenced to
18 probation after January 1, 1989 or to conditional discharge
19 after January 1, 1992 or to community service under the
20 supervision of a probation or court services department after
21 January 1, 2004, as a condition of such probation or
22 conditional discharge or supervised community service, a fee of
23 \$50 for each month of probation or conditional discharge
24 supervision or supervised community service ordered by the
25 court, unless after determining the inability of the person
26 sentenced to probation or conditional discharge or supervised

1 community service to pay the fee, the court assesses a lesser
2 fee. The court may not impose the fee on a minor who is placed
3 in the guardianship or custody of the Department of Children
4 and Family Services under the Juvenile Court Act of 1987 while
5 the minor is in placement. The fee shall be imposed only upon
6 an offender who is actively supervised by the probation and
7 court services department. The fee shall be collected by the
8 clerk of the circuit court. The clerk of the circuit court
9 shall pay all monies collected from this fee to the county
10 treasurer for deposit in the probation and court services fund
11 under Section 15.1 of the Probation and Probation Officers Act.

12 A circuit court may not impose a probation fee under this
13 subsection (i) in excess of \$25 per month unless the circuit
14 court has adopted, by administrative order issued by the chief
15 judge, a standard probation fee guide determining an offender's
16 ability to pay. Of the amount collected as a probation fee, up
17 to \$5 of that fee collected per month may be used to provide
18 services to crime victims and their families.

19 The Court may only waive probation fees based on an
20 offender's ability to pay. The probation department may
21 re-evaluate an offender's ability to pay every 6 months, and,
22 with the approval of the Director of Court Services or the
23 Chief Probation Officer, adjust the monthly fee amount. An
24 offender may elect to pay probation fees due in a lump sum. Any
25 offender that has been assigned to the supervision of a
26 probation department, or has been transferred either under

1 subsection (h) of this Section or under any interstate compact,
2 shall be required to pay probation fees to the department
3 supervising the offender, based on the offender's ability to
4 pay.

5 Public Act 93-970 deletes the \$10 increase in the fee under
6 this subsection that was imposed by Public Act 93-616. This
7 deletion is intended to control over any other Act of the 93rd
8 General Assembly that retains or incorporates that fee
9 increase.

10 (i-5) In addition to the fees imposed under subsection (i)
11 of this Section, in the case of an offender convicted of a
12 felony sex offense (as defined in the Sex Offender Management
13 Board Act) or an offense that the court or probation department
14 has determined to be sexually motivated (as defined in the Sex
15 Offender Management Board Act), the court or the probation
16 department shall assess additional fees to pay for all costs of
17 treatment, assessment, evaluation for risk and treatment, and
18 monitoring the offender, based on that offender's ability to
19 pay those costs either as they occur or under a payment plan.

20 (j) All fines and costs imposed under this Section for any
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
22 Code, or a similar provision of a local ordinance, and any
23 violation of the Child Passenger Protection Act, or a similar
24 provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under the Criminal
26 and Traffic Assessment Act.

1 (k) Any offender who is sentenced to probation or
2 conditional discharge for a felony sex offense as defined in
3 the Sex Offender Management Board Act or any offense that the
4 court or probation department has determined to be sexually
5 motivated as defined in the Sex Offender Management Board Act
6 shall be required to refrain from any contact, directly or
7 indirectly, with any persons specified by the court and shall
8 be available for all evaluations and treatment programs
9 required by the court or the probation department.

10 (l) The court may order an offender who is sentenced to
11 probation or conditional discharge for a violation of an order
12 of protection be placed under electronic surveillance as
13 provided in Section 5-8A-7 of this Code.

14 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
15 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
16 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

17 Section 640. The Private Detention Facility Moratorium Act
18 is amended by changing Sections 10 and 20 as follows:

19 (730 ILCS 141/10)

20 Sec. 10. Definition ~~Definitions~~. In this Act, ~~+~~ "detention
21 ~~Detention~~ facility" means any building, facility, or structure
22 used to detain individuals, not including State work release
23 centers or juvenile or adult residential treatment facilities.

24 (Source: P.A. 101-20, eff. 6-21-19; revised 7-23-19.)

1 (730 ILCS 141/20)

2 Sec. 20. Exemptions. This Act does not prohibit the State,
3 a unit of local government, or any sheriff that owns, manages,
4 or operates a detention facility from contracting with a
5 private entity or person to provide ancillary services in that
6 facility, such as ~~7~~ medical services, food service, educational
7 services, or facility repair and maintenance.

8 (Source: P.A. 101-20, eff. 6-21-19; revised 7-23-19.)

9 Section 645. The Illinois Crime Reduction Act of 2009 is
10 amended by changing Section 10 as follows:

11 (730 ILCS 190/10)

12 Sec. 10. Evidence-based programming.

13 (a) Purpose. Research and practice have identified new
14 strategies and policies that can result in a significant
15 reduction in recidivism rates and the successful local
16 reintegration of offenders. The purpose of this Section is to
17 ensure that State and local agencies direct their resources to
18 services and programming that have been demonstrated to be
19 effective in reducing recidivism and reintegrating offenders
20 into the locality.

21 (b) Evidence-based programming in local supervision.

22 (1) The Parole Division of the Department of
23 Corrections and the Prisoner Review Board shall adopt

1 policies, rules, and regulations that, within the first
2 year of the adoption, validation, and utilization of the
3 statewide, standardized risk assessment tool described in
4 this Act, result in at least 25% of supervised individuals
5 being supervised in accordance with evidence-based
6 practices; within 3 years of the adoption, validation, and
7 utilization of the statewide, standardized risk assessment
8 tool result in at least 50% of supervised individuals being
9 supervised in accordance with evidence-based practices;
10 and within 5 years of the adoption, validation, and
11 utilization of the statewide, standardized risk assessment
12 tool result in at least 75% of supervised individuals being
13 supervised in accordance with evidence-based practices.
14 The policies, rules, and regulations shall:

15 (A) Provide for a standardized individual case
16 plan that follows the offender through the criminal
17 justice system (including in-prison if the supervised
18 individual is in prison) that is:

19 (i) Based on the assets of the individual as
20 well as his or her risks and needs identified
21 through the assessment tool as described in this
22 Act.

23 (ii) Comprised of treatment and supervision
24 services appropriate to achieve the purpose of
25 this Act.

26 (iii) Consistently updated, based on program

1 participation by the supervised individual and
2 other behavior modification exhibited by the
3 supervised individual.

4 (B) Concentrate resources and services on
5 high-risk offenders.

6 (C) Provide for the use of evidence-based
7 programming related to education, job training,
8 cognitive behavioral therapy, and other programming
9 designed to reduce criminal behavior.

10 (D) Establish a system of graduated responses.

11 (i) The system shall set forth a menu of
12 presumptive responses for the most common types of
13 supervision violations.

14 (ii) The system shall be guided by the model
15 list of intermediate sanctions created by the
16 Probation Services Division of the State of
17 Illinois pursuant to subsection (1) of Section 15
18 of the Probation and Probation Officers Act and the
19 system of intermediate sanctions created by the
20 Chief Judge of each circuit court pursuant to
21 Section 5-6-1 of the Unified Code of Corrections.

22 (iii) The system of responses shall take into
23 account factors such as the severity of the current
24 violation; the supervised individual's risk level
25 as determined by a validated assessment tool
26 described in this Act; the supervised individual's

1 assets; his or her previous criminal record; and
2 the number and severity of any previous
3 supervision violations.

4 (iv) The system shall also define positive
5 reinforcements that supervised individuals may
6 receive for compliance with conditions of
7 supervision.

8 (v) Response to violations should be swift and
9 certain and should be imposed as soon as
10 practicable but no longer than 3 working days of
11 detection of the violation behavior.

12 (2) Conditions of local supervision (probation and
13 mandatory supervised release). Conditions of local
14 supervision whether imposed by a sentencing judge or the
15 Prisoner Review Board shall be imposed in accordance with
16 the offender's risks, assets, and needs as identified
17 through the assessment tool described in this Act.

18 (3) The Department of Corrections and the Prisoner
19 Review Board shall annually publish an exemplar copy of any
20 evidence-based assessments, questionnaires, or other
21 instruments used to set conditions of release.

22 (c) Evidence-based in-prison programming.

23 (1) The Department of Corrections shall adopt
24 policies, rules, and regulations that, within the first
25 year of the adoption, validation, and utilization of the
26 statewide, standardized risk assessment tool described in

1 this Act, result in at least 25% of incarcerated
2 individuals receiving services and programming in
3 accordance with evidence-based practices; within 3 years
4 of the adoption, validation, and utilization of the
5 statewide, standardized risk assessment tool result in at
6 least 50% of incarcerated individuals receiving services
7 and programming in accordance with evidence-based
8 practices; and within 5 years of the adoption, validation,
9 and utilization of the statewide, standardized risk
10 assessment tool result in at least 75% of incarcerated
11 individuals receiving services and programming in
12 accordance with evidence-based practices. The policies,
13 rules, and regulations shall:

14 (A) Provide for the use and development of a case
15 plan based on the risks, assets, and needs identified
16 through the assessment tool as described in this Act.
17 The case plan should be used to determine in-prison
18 programming; should be continuously updated based on
19 program participation by the prisoner and other
20 behavior modification exhibited by the prisoner; and
21 should be used when creating the case plan described in
22 subsection (b).

23 (B) Provide for the use of evidence-based
24 programming related to education, job training,
25 cognitive behavioral therapy and other evidence-based
26 programming.

1 (C) Establish education programs based on a
2 teacher to student ratio of no more than 1:30.

3 (D) Expand the use of drug prisons, modeled after
4 the Sheridan Correctional Center, to provide
5 sufficient drug treatment and other support services
6 to non-violent inmates with a history of substance
7 abuse.

8 (2) Participation and completion of programming by
9 prisoners can impact earned time credit as determined under
10 Section 3-6-3 of the Unified Code of Corrections.

11 (3) The Department of Corrections shall provide its
12 employees with intensive and ongoing training and
13 professional development services to support the
14 implementation of evidence-based practices. The training
15 and professional development services shall include
16 assessment techniques, case planning, cognitive behavioral
17 training, risk reduction and intervention strategies,
18 effective communication skills, substance abuse treatment
19 education and other topics identified by the Department or
20 its employees.

21 (d) The Parole Division of the Department of Corrections
22 and the Prisoner Review Board shall provide their employees
23 with intensive and ongoing training and professional
24 development services to support the implementation of
25 evidence-based practices. The training and professional
26 development services shall include assessment techniques, case

1 planning, cognitive behavioral training, risk reduction and
2 intervention strategies, effective communication skills,
3 substance abuse treatment education, and other topics
4 identified by the agencies or their employees.

5 (e) The Department of Corrections, the Prisoner Review
6 Board, and other correctional entities referenced in the
7 policies, rules, and regulations of this Act shall design,
8 implement, and make public a system to evaluate the
9 effectiveness of evidence-based practices in increasing public
10 safety and in successful reintegration of those under
11 supervision into the locality. Annually, each agency shall
12 submit to the Sentencing Policy Advisory Council a
13 comprehensive report on the success of implementing
14 evidence-based practices. The data compiled and analyzed by the
15 Council shall be delivered annually to the Governor and the
16 General Assembly.

17 (f) The Department of Corrections and the Prisoner Review
18 Board shall release a report annually published on their
19 websites that reports the following information about the usage
20 of electronic monitoring and GPS monitoring as a condition of
21 parole and mandatory supervised release during the prior
22 calendar year:

23 (1) demographic data of individuals on electronic
24 monitoring and GPS monitoring, separated by the following
25 categories:

26 (A) race or ethnicity;

1 (B) gender; and

2 (C) age;

3 (2) incarceration data of individuals subject to
4 conditions of electronic or GPS monitoring, separated by
5 the following categories:

6 (A) highest class of offense for which the
7 individuals are ~~is~~ currently serving a term of release;
8 and

9 (B) length of imprisonment served prior to the
10 current release period;

11 (3) the number of individuals subject to conditions of
12 electronic or GPS monitoring, separated by the following
13 categories:

14 (A) the number of individuals subject to
15 monitoring under Section 5-8A-6 of the Unified Code of
16 Corrections;

17 (B) the number of individuals subject monitoring
18 under Section 5-8A-7 of the Unified Code of
19 Corrections;

20 (C) the number of individuals subject to
21 monitoring under a discretionary order of the Prisoner
22 Review Board at the time of their release; and

23 (D) the number of individuals subject to
24 monitoring as a sanction for violations of parole or
25 mandatory supervised release, separated by the
26 following categories:

1 (i) the number of individuals subject to
2 monitoring as part of a graduated sanctions
3 program; and

4 (ii) the number of individuals subject to
5 monitoring as a new condition of re-release after a
6 revocation hearing before the Prisoner Review
7 Board;

8 (4) the number of discretionary monitoring orders
9 issued by the Prisoner Review Board, separated by the
10 following categories:

11 (A) less than 30 days;

12 (B) 31 to 60 days;

13 (C) 61 to 90 days;

14 (D) 91 to 120 days;

15 (E) 121 to 150 days;

16 (F) 151 to 180 days;

17 (G) 181 to 364 days;

18 (H) 365 days or more; and

19 (I) duration of release term;

20 (5) the number of discretionary monitoring orders by
21 the Board which removed or terminated monitoring prior to
22 the completion of the original period ordered;

23 (6) the number and severity category for sanctions
24 imposed on individuals on electronic or GPS monitoring,
25 separated by the following categories:

26 (A) absconding from electronic monitoring or GPS;

1 (B) tampering or removing the electronic
2 monitoring or GPS device;

3 (C) unauthorized leaving of the residence;

4 (D) presence of the individual in a prohibited
5 area; or

6 (E) other violations of the terms of the electronic
7 monitoring program;

8 (7) the number of individuals for whom a parole
9 revocation case was filed for failure to comply with the
10 terms of electronic or GPS monitoring, separated by the
11 following categories:

12 (A) cases when failure to comply with the terms of
13 monitoring was the sole violation alleged; and

14 (B) cases when failure to comply with the terms of
15 monitoring was alleged in conjunction with other
16 alleged violations;

17 (8) residential data for individuals subject to
18 electronic or GPS monitoring, separated by the following
19 categories:

20 (A) the county of the residence address for
21 individuals subject to electronic or GPS monitoring as
22 a condition of their release; and

23 (B) for counties with a population over 3,000,000,
24 the zip codes of the residence address for individuals
25 subject to electronic or GPS monitoring as a condition
26 of their release;

1 (9) the number of individuals for whom parole
2 revocation cases were filed due to violations of paragraph
3 (1) of subsection (a) of Section 3-3-7 of the Unified Code
4 of Corrections, separated by the following categories:

5 (A) the number of individuals whose violation of
6 paragraph (1) of subsection (a) of Section 3-3-7 of the
7 Unified Code of Corrections allegedly occurred while
8 the individual was subject to conditions of electronic
9 or GPS monitoring;

10 (B) the number of individuals who had violations of
11 paragraph (1) of subsection (a) of Section 3-3-7 of the
12 Unified Code of Corrections alleged against them who
13 were never subject to electronic or GPS monitoring
14 during their current term of release; and

15 (C) the number of individuals who had violations of
16 paragraph (1) of subsection (a) of Section 3-3-7 of the
17 Unified Code of Corrections alleged against them who
18 were subject to electronic or GPS monitoring for any
19 period of time during their current term of their
20 release, but who were not subject to such monitoring at
21 the time of the alleged violation of paragraph (1) of
22 subsection (a) of Section 3-3-7 of the Unified Code of
23 Corrections.

24 (Source: P.A. 101-231, eff. 1-1-20; revised 9-12-19.)

25 Section 650. The Code of Civil Procedure is amended by

1 changing Sections 2-1401, 5-105, 8-301, and 20-104 and the
2 heading of Article VIII Pt. 3 as follows:

3 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

4 Sec. 2-1401. Relief from judgments.

5 (a) Relief from final orders and judgments, after 30 days
6 from the entry thereof, may be had upon petition as provided in
7 this Section. Writs of error coram nobis and coram vobis, bills
8 of review and bills in the nature of bills of review are
9 abolished. All relief heretofore obtainable and the grounds for
10 such relief heretofore available, whether by any of the
11 foregoing remedies or otherwise, shall be available in every
12 case, by proceedings hereunder, regardless of the nature of the
13 order or judgment from which relief is sought or of the
14 proceedings in which it was entered. Except as provided in the
15 Illinois Parentage Act of 2015, there shall be no distinction
16 between actions and other proceedings, statutory or otherwise,
17 as to availability of relief, grounds for relief or the relief
18 obtainable.

19 (b) The petition must be filed in the same proceeding in
20 which the order or judgment was entered but is not a
21 continuation thereof. The petition must be supported by
22 affidavit or other appropriate showing as to matters not of
23 record. A petition to reopen a foreclosure proceeding must
24 include as parties to the petition, but is not limited to, all
25 parties in the original action in addition to the current

1 record title holders of the property, current occupants, and
2 any individual or entity that had a recorded interest in the
3 property before the filing of the petition. All parties to the
4 petition shall be notified as provided by rule.

5 (b-5) A movant may present a meritorious claim under this
6 Section if the allegations in the petition establish each of
7 the following by a preponderance of the evidence:

8 (1) the movant was convicted of a forcible felony;

9 (2) the movant's participation in the offense was
10 related to him or her previously having been a victim of
11 domestic violence as perpetrated by an intimate partner;

12 (3) no evidence of domestic violence against the movant
13 was presented at the movant's sentencing hearing;

14 (4) the movant was unaware of the mitigating nature of
15 the evidence of the domestic violence at the time of
16 sentencing and could not have learned of its significance
17 sooner through diligence; and

18 (5) the new evidence of domestic violence against the
19 movant is material and noncumulative to other evidence
20 offered at the sentencing hearing, and is of such a
21 conclusive character that it would likely change the
22 sentence imposed by the original trial court.

23 Nothing in this subsection (b-5) shall prevent a movant
24 from applying for any other relief under this Section or any
25 other law otherwise available to him or her.

26 As used in this subsection (b-5):

1 "Domestic violence" means abuse as defined in Section
2 103 of the Illinois Domestic Violence Act of 1986.

3 "Forcible felony" has the meaning ascribed to the term
4 in Section 2-8 of the Criminal Code of 2012.

5 "Intimate partner" means a spouse or former spouse,
6 persons who have or allegedly have had a child in common,
7 or persons who have or have had a dating or engagement
8 relationship.

9 (b-10) A movant may present a meritorious claim under this
10 Section if the allegations in the petition establish each of
11 the following by a preponderance of the evidence:

12 (A) she was convicted of a forcible felony;

13 (B) her participation in the offense was a direct
14 result of her suffering from post-partum depression or
15 post-partum psychosis;

16 (C) no evidence of post-partum depression or
17 post-partum psychosis was presented by a qualified medical
18 person at trial or sentencing, or both;

19 (D) she was unaware of the mitigating nature of the
20 evidence or, if aware, was at the time unable to present
21 this defense due to suffering from post-partum depression
22 or post-partum psychosis, or, at the time of trial or
23 sentencing, neither was a recognized mental illness and as
24 such, she was unable to receive proper treatment; and

25 (E) evidence of post-partum depression or post-partum
26 psychosis as suffered by the person is material and

1 noncumulative to other evidence offered at the time of
2 trial or sentencing, and it is of such a conclusive
3 character that it would likely change the sentence imposed
4 by the original court.

5 Nothing in this subsection (b-10) prevents a person from
6 applying for any other relief under this Article or any other
7 law otherwise available to her.

8 As used in this subsection (b-10):

9 "Post-partum depression" means a mood disorder which
10 strikes many women during and after pregnancy and usually
11 occurs during pregnancy and up to 12 months after delivery.
12 This depression can include anxiety disorders.

13 "Post-partum psychosis" means an extreme form of
14 post-partum depression which can occur during pregnancy
15 and up to 12 months after delivery. This can include losing
16 touch with reality, distorted thinking, delusions,
17 auditory and visual hallucinations, paranoia,
18 hyperactivity and rapid speech, or mania.

19 (c) Except as provided in Section 20b of the Adoption Act
20 and Section 2-32 of the Juvenile Court Act of 1987 or in a
21 petition based upon Section 116-3 of the Code of Criminal
22 Procedure of 1963 or subsection (b-10) of this Section, or in a
23 motion to vacate and expunge convictions under the Cannabis
24 Control Act as provided by subsection (i) of Section 5.2 of the
25 Criminal Identification Act, the petition must be filed not
26 later than 2 years after the entry of the order or judgment.

1 Time during which the person seeking relief is under legal
2 disability or duress or the ground for relief is fraudulently
3 concealed shall be excluded in computing the period of 2 years.

4 (d) The filing of a petition under this Section does not
5 affect the order or judgment, or suspend its operation.

6 (e) Unless lack of jurisdiction affirmatively appears from
7 the record proper, the vacation or modification of an order or
8 judgment pursuant to the provisions of this Section does not
9 affect the right, title or interest in or to any real or
10 personal property of any person, not a party to the original
11 action, acquired for value after the entry of the order or
12 judgment but before the filing of the petition, nor affect any
13 right of any person not a party to the original action under
14 any certificate of sale issued before the filing of the
15 petition, pursuant to a sale based on the order or judgment.
16 When a petition is filed pursuant to this Section to reopen a
17 foreclosure proceeding, notwithstanding the provisions of
18 Section 15-1701 of this Code, the purchaser or successor
19 purchaser of real property subject to a foreclosure sale who
20 was not a party to the mortgage foreclosure proceedings is
21 entitled to remain in possession of the property until the
22 foreclosure action is defeated or the previously foreclosed
23 defendant redeems from the foreclosure sale if the purchaser
24 has been in possession of the property for more than 6 months.

25 (f) Nothing contained in this Section affects any existing
26 right to relief from a void order or judgment, or to employ any

1 existing method to procure that relief.

2 (Source: P.A. 100-1048, eff. 8-23-18; 101-27, eff. 6-25-19;
3 101-411, eff. 8-16-19; revised 9-17-19.)

4 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

5 Sec. 5-105. Waiver of court fees, costs, and charges.

6 (a) As used in this Section:

7 (1) "Fees, costs, and charges" means payments imposed
8 on a party in connection with the prosecution or defense of
9 a civil action, including, but not limited to: fees set
10 forth in Section 27.1b of the Clerks of Courts Act; fees
11 for service of process and other papers served either
12 within or outside this State, including service by
13 publication pursuant to Section 2-206 of this Code and
14 publication of necessary legal notices; motion fees;
15 charges for participation in, or attendance at, any
16 mandatory process or procedure including, but not limited
17 to, conciliation, mediation, arbitration, counseling,
18 evaluation, "Children First", "Focus on Children" or
19 similar programs; fees for supplementary proceedings;
20 charges for translation services; guardian ad litem fees;
21 and all other processes and procedures deemed by the court
22 to be necessary to commence, prosecute, defend, or enforce
23 relief in a civil action.

24 (2) "Indigent person" means any person who meets one or
25 more of the following criteria:

1 (i) He or she is receiving assistance under one or
2 more of the following means-based governmental public
3 benefits programs: Supplemental Security Income (SSI),
4 Aid to the Aged, Blind and Disabled (AABD), Temporary
5 Assistance for Needy Families (TANF), Supplemental
6 Nutrition Assistance Program (SNAP), General
7 Assistance, Transitional Assistance, or State Children
8 and Family Assistance.

9 (ii) His or her available personal income is 125%
10 or less of the current poverty level, unless the
11 applicant's assets that are not exempt under Part 9 or
12 10 of Article XII of this Code are of a nature and
13 value that the court determines that the applicant is
14 able to pay the fees, costs, and charges.

15 (iii) He or she is, in the discretion of the court,
16 unable to proceed in an action without payment of fees,
17 costs, and charges and whose payment of those fees,
18 costs, and charges would result in substantial
19 hardship to the person or his or her family.

20 (iv) He or she is an indigent person pursuant to
21 Section 5-105.5 of this Code.

22 (3) "Poverty level" means the current poverty level as
23 established by the United States Department of Health and
24 Human Services.

25 (b) On the application of any person, before or after the
26 commencement of an action:

1 (1) If the court finds that the applicant is an
2 indigent person, the court shall grant the applicant a full
3 fees, costs, and charges waiver entitling him or her to sue
4 or defend the action without payment of any of the fees,
5 costs, and charges.

6 (2) If the court finds that the applicant satisfies any
7 of the criteria contained in items (i), (ii), or (iii) of
8 this subdivision (b) (2), the court shall grant the
9 applicant a partial fees, costs, and charges waiver
10 entitling him or her to sue or defend the action upon
11 payment of the applicable percentage of the assessments,
12 costs, and charges of the action, as follows:

13 (i) the court shall waive 75% of all fees, costs,
14 and charges if the available income of the applicant is
15 greater than 125% but does not exceed 150% of the
16 poverty level, unless the assets of the applicant that
17 are not exempt under Part 9 or 10 of Article XII of
18 this Code are such that the applicant is able, without
19 undue hardship, to pay a greater portion of the fees,
20 costs, and charges;

21 (ii) the court shall waive 50% of all fees, costs,
22 and charges if the available income is greater than
23 150% but does not exceed 175% of the poverty level,
24 unless the assets of the applicant that are not exempt
25 under Part 9 or 10 of Article XII of this Code are such
26 that the applicant is able, without undue hardship, to

1 pay a greater portion of the fees, costs, and charges;
2 and

3 (iii) the court shall waive 25% of all fees, costs,
4 and charges if the available income of the applicant is
5 greater than 175% but does not exceed 200% of the
6 current poverty level, unless the assets of the
7 applicant that are not exempt under Part 9 or 10 of
8 Article XII of this Code are such that the applicant is
9 able, without undue hardship, to pay a greater portion
10 of the fees, costs, and charges.

11 (c) An application for waiver of court fees, costs, and
12 charges shall be in writing and signed by the applicant, or, if
13 the applicant is a minor or an incompetent adult, by another
14 person having knowledge of the facts. The contents of the
15 application for waiver of court fees, costs, and charges, and
16 the procedure for the decision of the applications, shall be
17 established by Supreme Court Rule. Factors to consider in
18 evaluating an application shall include:

19 (1) the applicant's receipt of needs based
20 governmental public benefits, including Supplemental
21 Security Income (SSI); Aid to the Aged, Blind and Disabled
22 (AABD ~~ADBD~~); Temporary Assistance for Needy Families
23 (TANF); Supplemental Nutrition Assistance Program (SNAP or
24 "food stamps"); General Assistance; Transitional
25 Assistance; or State Children and Family Assistance;

26 (2) the employment status of the applicant and amount

1 of monthly income, if any;

2 (3) income received from the applicant's pension,
3 Social Security benefits, unemployment benefits, and other
4 sources;

5 (4) income received by the applicant from other
6 household members;

7 (5) the applicant's monthly expenses, including rent,
8 home mortgage, other mortgage, utilities, food, medical,
9 vehicle, childcare, debts, child support, and other
10 expenses; and

11 (6) financial affidavits or other similar supporting
12 documentation provided by the applicant showing that
13 payment of the imposed fees, costs, and charges would
14 result in substantial hardship to the applicant or the
15 applicant's family.

16 (c-5) The court shall provide, through the office of the
17 clerk of the court, the application for waiver of court fees,
18 costs, and charges to any person seeking to sue or defend an
19 action who indicates an inability to pay the fees, costs, and
20 charges of the action. The clerk of the court shall post in a
21 conspicuous place in the courthouse a notice no smaller than
22 8.5 x 11 inches, using no smaller than 30-point typeface
23 printed in English and in Spanish, advising the public that
24 they may ask the court for permission to sue or defend a civil
25 action without payment of fees, costs, and charges. The notice
26 shall be substantially as follows:

1 "If you are unable to pay the fees, costs, and charges
2 of an action you may ask the court to allow you to proceed
3 without paying them. Ask the clerk of the court for forms."

4 (d) (Blank).

5 (e) The clerk of the court shall not refuse to accept and
6 file any complaint, appearance, or other paper presented by the
7 applicant if accompanied by an application for waiver of court
8 fees, costs, and charges, and those papers shall be considered
9 filed on the date the application is presented. If the
10 application is denied or a partial fees, costs, and charges
11 waiver is granted, the order shall state a date certain by
12 which the necessary fees, costs, and charges must be paid. For
13 good cause shown, the court may allow an applicant who receives
14 a partial fees, costs, and charges waiver to defer payment of
15 fees, costs, and charges, make installment payments, or make
16 payment upon reasonable terms and conditions stated in the
17 order. The court may dismiss the claims or strike the defenses
18 of any party failing to pay the fees, costs, and charges within
19 the time and in the manner ordered by the court. A judicial
20 ruling on an application for waiver of court assessments does
21 not constitute a decision of a substantial issue in the case
22 under Section 2-1001 of this Code.

23 (f) The order granting a full or partial fees, costs, and
24 charges waiver shall expire after one year. Upon expiration of
25 the waiver, or a reasonable period of time before expiration,
26 the party whose fees, costs, and charges were waived may file

1 another application for waiver and the court shall consider the
2 application in accordance with the applicable Supreme Court
3 Rule.

4 (f-5) If, before or at the time of final disposition of the
5 case, the court obtains information, including information
6 from the court file, suggesting that a person whose fees,
7 costs, and charges were initially waived was not entitled to a
8 full or partial waiver at the time of application, the court
9 may require the person to appear at a court hearing by giving
10 the applicant no less than 10 days' written notice of the
11 hearing and the specific reasons why the initial waiver might
12 be reconsidered. The court may require the applicant to provide
13 reasonably available evidence, including financial
14 information, to support his or her eligibility for the waiver,
15 but the court shall not require submission of information that
16 is unrelated to the criteria for eligibility and application
17 requirements set forth in subdivision (b)(1) or (b)(2) of this
18 Section. If the court finds that the person was not initially
19 entitled to any waiver, the person shall pay all fees, costs,
20 and charges relating to the civil action, including any
21 previously waived fees, costs, and charges. The order may state
22 terms of payment in accordance with subsection (e). The court
23 shall not conduct a hearing under this subsection more often
24 than once every 6 months.

25 (f-10) If, before or at the time of final disposition of
26 the case, the court obtains information, including information

1 from the court file, suggesting that a person who received a
2 full or partial waiver has experienced a change in financial
3 condition so that he or she is no longer eligible for that
4 waiver, the court may require the person to appear at a court
5 hearing by giving the applicant no less than 10 days' written
6 notice of the hearing and the specific reasons why the waiver
7 might be reconsidered. The court may require the person to
8 provide reasonably available evidence, including financial
9 information, to support his or her continued eligibility for
10 the waiver, but shall not require submission of information
11 that is unrelated to the criteria for eligibility and
12 application requirements set forth in subdivisions (b)(1) and
13 (b)(2) of this Section. If the court enters an order finding
14 that the person is no longer entitled to a waiver, or is
15 entitled to a partial waiver different than that which the
16 person had previously received, the person shall pay the
17 requisite fees, costs, and charges from the date of the order
18 going forward. The order may state terms of payment in
19 accordance with subsection (e) of this Section. The court shall
20 not conduct a hearing under this subsection more often than
21 once every 6 months.

22 (g) A court, in its discretion, may appoint counsel to
23 represent an indigent person, and that counsel shall perform
24 his or her duties without fees, charges, or reward.

25 (h) Nothing in this Section shall be construed to affect
26 the right of a party to sue or defend an action in forma

1 pauperis without the payment of fees, costs, charges, or the
2 right of a party to court-appointed counsel, as authorized by
3 any other provision of law or by the rules of the Illinois
4 Supreme Court. Nothing in this Section shall be construed to
5 limit the authority of a court to order another party to the
6 action to pay the fees, costs, and charges of the action.

7 (h-5) If a party is represented by a civil legal services
8 provider or an attorney in a court-sponsored pro bono program
9 as defined in Section 5-105.5 of this Code, the attorney
10 representing that party shall file a certification with the
11 court in accordance with Supreme Court Rule 298 and that party
12 shall be allowed to sue or defend without payment of fees,
13 costs, and charges without filing an application under this
14 Section.

15 (h-10) (Blank).

16 (i) The provisions of this Section are severable under
17 Section 1.31 of the Statute on Statutes.

18 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
19 101-36, eff. 6-28-19; revised 8-6-19.)

20 (735 ILCS 5/Art. VIII Pt. 3 heading)

21 Part 3. Surviving Partner or Joint Contractor ~~Joint Contractor~~

22 (735 ILCS 5/8-301) (from Ch. 110, par. 8-301)

23 Sec. 8-301. Surviving partner or joint contractor
24 ~~joint contractor~~. In any action or proceeding by or against any

1 surviving partner or partners, or joint contractor or joint
2 contractors, no adverse party or person adversely interested in
3 the event thereof, shall, by virtue of Section 8-101 of this
4 Act, be rendered a competent witness to testify to any
5 admission or conversation by any deceased partner or joint
6 contractor, unless some one or more of the surviving partners
7 or joint contractors were also present at the time of such
8 admission or conversation; and in every action or proceeding a
9 party to the same who has contracted with an agent of the
10 adverse party - the agent having since died - shall not be a
11 competent witness as to any admission or conversation between
12 himself or herself and such agent, unless such admission or
13 conversation with the deceased agent was had or made in the
14 presence of a surviving agent or agents of such adverse party,
15 and then only except where the conditions are such that under
16 the provisions of Sections 8-201 and 8-401 of this Act he or
17 she would have been permitted to testify if the deceased person
18 had been a principal and not an agent.

19 (Source: P.A. 82-280; revised 7-16-19.)

20 (735 ILCS 5/20-104) (from Ch. 110, par. 20-104)

21 Sec. 20-104. (a) Before any action is instituted pursuant
22 to this Act, the State or local governmental unit shall make a
23 good faith attempt to collect amounts owed to it by using
24 informal procedures and methods. Civil recoveries provided for
25 in this Article shall be recoverable only: (1) in actions on

1 behalf of the State, by the Attorney General; (2) in actions on
2 behalf of a municipality with a population over 500,000, by the
3 corporation counsel of such municipality; and (3) in actions on
4 behalf of any other local governmental unit, by counsel
5 designated by the local government unit or, if so requested by
6 the local governmental unit and the state's attorney so agrees,
7 by the state's attorney. However, nothing in clause (3) of this
8 subsection (a) shall affect agreements made pursuant to the
9 State's Attorneys ~~Attorney~~ Appellate Prosecutor's Act, ~~as~~
10 ~~amended~~. If the state's attorney of a county brings an action
11 on behalf of another unit of local government pursuant to this
12 Section, the county shall be reimbursed by the unit of local
13 government in an amount mutually agreed upon before the action
14 is initiated.

15 (b) Notwithstanding any other provision in this Section,
16 any private citizen residing within the boundaries of the
17 governmental unit affected may bring an action to recover the
18 damages authorized in this Article on behalf of such
19 governmental unit if: (a) the citizen has sent a letter by
20 certified mail, return receipt requested, to the appropriate
21 government official stating his intention to file suit for
22 recovery under this Article and (b) the appropriate
23 governmental official has not, within 60 days of the date of
24 delivery on the citizen's return receipt, either instituted an
25 action for recovery or sent notice to the citizen by certified
26 mail, return receipt requested, that the official has arranged

1 for a settlement with the party alleged to have illegally
2 obtained the compensation or that the official intends to
3 commence suit within 60 days of the date of the notice. A
4 denial by the official of the liability of the party alleged
5 liable by the citizen, failure to have actually arranged for a
6 settlement as stated, or failure to commence a suit within the
7 designated period after having stated the intention in the
8 notice to do so shall also permit the citizen to commence the
9 action.

10 For purposes of this subsection (b), "appropriate
11 government official" shall mean: (1) the Attorney General,
12 where the government unit alleged damaged is the State; (2) the
13 corporation counsel where the government unit alleged damaged
14 is a municipality with a population of over 500,000; and (3)
15 the chief executive officer of any other local government unit
16 where that unit is alleged damaged.

17 Any private citizen commencing an action in compliance with
18 this subsection which is reasonable and commenced in good faith
19 shall be entitled to recover court costs and litigation
20 expenses, including reasonable attorney's fees, from any
21 defendant found liable under this Article.

22 (Source: P.A. 84-1462; revised 7-16-19.)

23 Section 655. The Adoption Act is amended by changing
24 Section 1 as follows:

1 (750 ILCS 50/1) (from Ch. 40, par. 1501)

2 Sec. 1. Definitions. When used in this Act, unless the
3 context otherwise requires:

4 A. "Child" means a person under legal age subject to
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where
7 either or both of the adopting parents stands in any of the
8 following relationships to the child by blood, marriage,
9 adoption, or civil union: parent, grand-parent,
10 great-grandparent, brother, sister, step-parent,
11 step-grandparent, step-brother, step-sister, uncle, aunt,
12 great-uncle, great-aunt, first cousin, or second cousin. A
13 person is related to the child as a first cousin or second
14 cousin if they are both related to the same ancestor as either
15 grandchild or great-grandchild. A child whose parent has
16 executed a consent to adoption, a surrender, or a waiver
17 pursuant to Section 10 of this Act or whose parent has signed a
18 denial of paternity pursuant to Section 12 of the Vital Records
19 Act or Section 12a of this Act, or whose parent has had his or
20 her parental rights terminated, is not a related child to that
21 person, unless (1) the consent is determined to be void or is
22 void pursuant to subsection O of Section 10 of this Act; or (2)
23 the parent of the child executed a consent to adoption by a
24 specified person or persons pursuant to subsection A-1 of
25 Section 10 of this Act and a court of competent jurisdiction
26 finds that such consent is void; or (3) the order terminating

1 the parental rights of the parent is vacated by a court of
2 competent jurisdiction.

3 C. "Agency" for the purpose of this Act means a public
4 child welfare agency or a licensed child welfare agency.

5 D. "Unfit person" means any person whom the court shall
6 find to be unfit to have a child, without regard to the
7 likelihood that the child will be placed for adoption. The
8 grounds of unfitness are any one or more of the following,
9 except that a person shall not be considered an unfit person
10 for the sole reason that the person has relinquished a child in
11 accordance with the Abandoned Newborn Infant Protection Act:

12 (a) Abandonment of the child.

13 (a-1) Abandonment of a newborn infant in a hospital.

14 (a-2) Abandonment of a newborn infant in any setting
15 where the evidence suggests that the parent intended to
16 relinquish his or her parental rights.

17 (b) Failure to maintain a reasonable degree of
18 interest, concern or responsibility as to the child's
19 welfare.

20 (c) Desertion of the child for more than 3 months next
21 preceding the commencement of the Adoption proceeding.

22 (d) Substantial neglect of the child if continuous or
23 repeated.

24 (d-1) Substantial neglect, if continuous or repeated,
25 of any child residing in the household which resulted in
26 the death of that child.

1 (e) Extreme or repeated cruelty to the child.

2 (f) There is a rebuttable presumption, which can be
3 overcome only by clear and convincing evidence, that a
4 parent is unfit if:

5 (1) Two or more findings of physical abuse have
6 been entered regarding any children under Section 2-21
7 of the Juvenile Court Act of 1987, the most recent of
8 which was determined by the juvenile court hearing the
9 matter to be supported by clear and convincing
10 evidence; or

11 (2) The parent has been convicted or found not
12 guilty by reason of insanity and the conviction or
13 finding resulted from the death of any child by
14 physical abuse; or

15 (3) There is a finding of physical child abuse
16 resulting from the death of any child under Section
17 2-21 of the Juvenile Court Act of 1987.

18 No conviction or finding of delinquency pursuant to
19 Article V of the Juvenile Court Act of 1987 shall be
20 considered a criminal conviction for the purpose of
21 applying any presumption under this item (f).

22 (g) Failure to protect the child from conditions within
23 his environment injurious to the child's welfare.

24 (h) Other neglect of, or misconduct toward the child;
25 provided that in making a finding of unfitness the court
26 hearing the adoption proceeding shall not be bound by any

1 previous finding, order or judgment affecting or
2 determining the rights of the parents toward the child
3 sought to be adopted in any other proceeding except such
4 proceedings terminating parental rights as shall be had
5 under either this Act, the Juvenile Court Act or the
6 Juvenile Court Act of 1987.

7 (i) Depravity. Conviction of any one of the following
8 crimes shall create a presumption that a parent is deprived
9 which can be overcome only by clear and convincing
10 evidence: (1) first degree murder in violation of paragraph
11 (1) ~~1~~ or (2) ~~2~~ of subsection (a) of Section 9-1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 or
13 conviction of second degree murder in violation of
14 subsection (a) of Section 9-2 of the Criminal Code of 1961
15 or the Criminal Code of 2012 of a parent of the child to be
16 adopted; (2) first degree murder or second degree murder of
17 any child in violation of the Criminal Code of 1961 or the
18 Criminal Code of 2012; (3) attempt or conspiracy to commit
19 first degree murder or second degree murder of any child in
20 violation of the Criminal Code of 1961 or the Criminal Code
21 of 2012; (4) solicitation to commit murder of any child,
22 solicitation to commit murder of any child for hire, or
23 solicitation to commit second degree murder of any child in
24 violation of the Criminal Code of 1961 or the Criminal Code
25 of 2012; (5) predatory criminal sexual assault of a child
26 in violation of Section 11-1.40 or 12-14.1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012; (6) heinous
2 battery of any child in violation of the Criminal Code of
3 1961; (7) aggravated battery of any child in violation of
4 the Criminal Code of 1961 or the Criminal Code of 2012; (8)
5 any violation of Section 11-1.20 or Section 12-13 of the
6 Criminal Code of 1961 or the Criminal Code of 2012; (9) any
7 violation of subsection (a) of Section 11-1.50 or Section
8 12-16 of the Criminal Code of 1961 or the Criminal Code of
9 2012; (10) any violation of Section 11-9.1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012; (11) any
11 violation of Section 11-9.1A of the Criminal Code of 1961
12 or the Criminal Code of 2012; or (12) an offense in any
13 other state the elements of which are similar and bear a
14 substantial relationship to any of the enumerated offenses
15 in this subsection (i).

16 There is a rebuttable presumption that a parent is
17 deprived if the parent has been criminally convicted of at
18 least 3 felonies under the laws of this State or any other
19 state, or under federal law, or the criminal laws of any
20 United States territory; and at least one of these
21 convictions took place within 5 years of the filing of the
22 petition or motion seeking termination of parental rights.

23 There is a rebuttable presumption that a parent is
24 deprived if that parent has been criminally convicted of
25 either first or second degree murder of any person as
26 defined in the Criminal Code of 1961 or the Criminal Code

1 of 2012 within 10 years of the filing date of the petition
2 or motion to terminate parental rights.

3 No conviction or finding of delinquency pursuant to
4 Article 5 of the Juvenile Court Act of 1987 shall be
5 considered a criminal conviction for the purpose of
6 applying any presumption under this item (i).

7 (j) Open and notorious adultery or fornication.

8 (j-1) (Blank).

9 (k) Habitual drunkenness or addiction to drugs, other
10 than those prescribed by a physician, for at least one year
11 immediately prior to the commencement of the unfitness
12 proceeding.

13 There is a rebuttable presumption that a parent is
14 unfit under this subsection with respect to any child to
15 which that parent gives birth where there is a confirmed
16 test result that at birth the child's blood, urine, or
17 meconium contained any amount of a controlled substance as
18 defined in subsection (f) of Section 102 of the Illinois
19 Controlled Substances Act or metabolites of such
20 substances, the presence of which in the newborn infant was
21 not the result of medical treatment administered to the
22 mother or the newborn infant; and the biological mother of
23 this child is the biological mother of at least one other
24 child who was adjudicated a neglected minor under
25 subsection (c) of Section 2-3 of the Juvenile Court Act of
26 1987.

1 (l) Failure to demonstrate a reasonable degree of
2 interest, concern or responsibility as to the welfare of a
3 new born child during the first 30 days after its birth.

4 (m) Failure by a parent (i) to make reasonable efforts
5 to correct the conditions that were the basis for the
6 removal of the child from the parent during any 9-month
7 period following the adjudication of neglected or abused
8 minor under Section 2-3 of the Juvenile Court Act of 1987
9 or dependent minor under Section 2-4 of that Act, or (ii)
10 to make reasonable progress toward the return of the child
11 to the parent during any 9-month period following the
12 adjudication of neglected or abused minor under Section 2-3
13 of the Juvenile Court Act of 1987 or dependent minor under
14 Section 2-4 of that Act. If a service plan has been
15 established as required under Section 8.2 of the Abused and
16 Neglected Child Reporting Act to correct the conditions
17 that were the basis for the removal of the child from the
18 parent and if those services were available, then, for
19 purposes of this Act, "failure to make reasonable progress
20 toward the return of the child to the parent" includes the
21 parent's failure to substantially fulfill his or her
22 obligations under the service plan and correct the
23 conditions that brought the child into care during any
24 9-month period following the adjudication under Section
25 2-3 or 2-4 of the Juvenile Court Act of 1987.
26 Notwithstanding any other provision, when a petition or

1 motion seeks to terminate parental rights on the basis of
2 item (ii) of this subsection (m), the petitioner shall file
3 with the court and serve on the parties a pleading that
4 specifies the 9-month period or periods relied on. The
5 pleading shall be filed and served on the parties no later
6 than 3 weeks before the date set by the court for closure
7 of discovery, and the allegations in the pleading shall be
8 treated as incorporated into the petition or motion.
9 Failure of a respondent to file a written denial of the
10 allegations in the pleading shall not be treated as an
11 admission that the allegations are true.

12 (m-1) (Blank).

13 (n) Evidence of intent to forgo his or her parental
14 rights, whether or not the child is a ward of the court,
15 (1) as manifested by his or her failure for a period of 12
16 months: (i) to visit the child, (ii) to communicate with
17 the child or agency, although able to do so and not
18 prevented from doing so by an agency or by court order, or
19 (iii) to maintain contact with or plan for the future of
20 the child, although physically able to do so, or (2) as
21 manifested by the father's failure, where he and the mother
22 of the child were unmarried to each other at the time of
23 the child's birth, (i) to commence legal proceedings to
24 establish his paternity under the Illinois Parentage Act of
25 1984, the Illinois Parentage Act of 2015, or the law of the
26 jurisdiction of the child's birth within 30 days of being

1 informed, pursuant to Section 12a of this Act, that he is
2 the father or the likely father of the child or, after
3 being so informed where the child is not yet born, within
4 30 days of the child's birth, or (ii) to make a good faith
5 effort to pay a reasonable amount of the expenses related
6 to the birth of the child and to provide a reasonable
7 amount for the financial support of the child, the court to
8 consider in its determination all relevant circumstances,
9 including the financial condition of both parents;
10 provided that the ground for termination provided in this
11 subparagraph (n)(2)(ii) shall only be available where the
12 petition is brought by the mother or the husband of the
13 mother.

14 Contact or communication by a parent with his or her
15 child that does not demonstrate affection and concern does
16 not constitute reasonable contact and planning under
17 subdivision (n). In the absence of evidence to the
18 contrary, the ability to visit, communicate, maintain
19 contact, pay expenses and plan for the future shall be
20 presumed. The subjective intent of the parent, whether
21 expressed or otherwise, unsupported by evidence of the
22 foregoing parental acts manifesting that intent, shall not
23 preclude a determination that the parent has intended to
24 forgo his or her parental rights. In making this
25 determination, the court may consider but shall not require
26 a showing of diligent efforts by an authorized agency to

1 encourage the parent to perform the acts specified in
2 subdivision (n).

3 It shall be an affirmative defense to any allegation
4 under paragraph (2) of this subsection that the father's
5 failure was due to circumstances beyond his control or to
6 impediments created by the mother or any other person
7 having legal custody. Proof of that fact need only be by a
8 preponderance of the evidence.

9 (o) Repeated or continuous failure by the parents,
10 although physically and financially able, to provide the
11 child with adequate food, clothing, or shelter.

12 (p) Inability to discharge parental responsibilities
13 supported by competent evidence from a psychiatrist,
14 licensed clinical social worker, or clinical psychologist
15 of mental impairment, mental illness or an intellectual
16 disability as defined in Section 1-116 of the Mental Health
17 and Developmental Disabilities Code, or developmental
18 disability as defined in Section 1-106 of that Code, and
19 there is sufficient justification to believe that the
20 inability to discharge parental responsibilities shall
21 extend beyond a reasonable time period. However, this
22 subdivision (p) shall not be construed so as to permit a
23 licensed clinical social worker to conduct any medical
24 diagnosis to determine mental illness or mental
25 impairment.

26 (q) (Blank).

1 (r) The child is in the temporary custody or
2 guardianship of the Department of Children and Family
3 Services, the parent is incarcerated as a result of
4 criminal conviction at the time the petition or motion for
5 termination of parental rights is filed, prior to
6 incarceration the parent had little or no contact with the
7 child or provided little or no support for the child, and
8 the parent's incarceration will prevent the parent from
9 discharging his or her parental responsibilities for the
10 child for a period in excess of 2 years after the filing of
11 the petition or motion for termination of parental rights.

12 (s) The child is in the temporary custody or
13 guardianship of the Department of Children and Family
14 Services, the parent is incarcerated at the time the
15 petition or motion for termination of parental rights is
16 filed, the parent has been repeatedly incarcerated as a
17 result of criminal convictions, and the parent's repeated
18 incarceration has prevented the parent from discharging
19 his or her parental responsibilities for the child.

20 (t) A finding that at birth the child's blood, urine,
21 or meconium contained any amount of a controlled substance
22 as defined in subsection (f) of Section 102 of the Illinois
23 Controlled Substances Act, or a metabolite of a controlled
24 substance, with the exception of controlled substances or
25 metabolites of such substances, the presence of which in
26 the newborn infant was the result of medical treatment

1 administered to the mother or the newborn infant, and that
2 the biological mother of this child is the biological
3 mother of at least one other child who was adjudicated a
4 neglected minor under subsection (c) of Section 2-3 of the
5 Juvenile Court Act of 1987, after which the biological
6 mother had the opportunity to enroll in and participate in
7 a clinically appropriate substance abuse counseling,
8 treatment, and rehabilitation program.

9 E. "Parent" means a person who is the legal mother or legal
10 father of the child as defined in subsection X or Y of this
11 Section. For the purpose of this Act, a parent who has executed
12 a consent to adoption, a surrender, or a waiver pursuant to
13 Section 10 of this Act, who has signed a Denial of Paternity
14 pursuant to Section 12 of the Vital Records Act or Section 12a
15 of this Act, or whose parental rights have been terminated by a
16 court, is not a parent of the child who was the subject of the
17 consent, surrender, waiver, or denial unless (1) the consent is
18 void pursuant to subsection O of Section 10 of this Act; or (2)
19 the person executed a consent to adoption by a specified person
20 or persons pursuant to subsection A-1 of Section 10 of this Act
21 and a court of competent jurisdiction finds that the consent is
22 void; or (3) the order terminating the parental rights of the
23 person is vacated by a court of competent jurisdiction.

24 F. A person is available for adoption when the person is:

25 (a) a child who has been surrendered for adoption to an
26 agency and to whose adoption the agency has thereafter

1 consented;

2 (b) a child to whose adoption a person authorized by
3 law, other than his parents, has consented, or to whose
4 adoption no consent is required pursuant to Section 8 of
5 this Act;

6 (c) a child who is in the custody of persons who intend
7 to adopt him through placement made by his parents;

8 (c-1) a child for whom a parent has signed a specific
9 consent pursuant to subsection O of Section 10;

10 (d) an adult who meets the conditions set forth in
11 Section 3 of this Act; or

12 (e) a child who has been relinquished as defined in
13 Section 10 of the Abandoned Newborn Infant Protection Act.

14 A person who would otherwise be available for adoption
15 shall not be deemed unavailable for adoption solely by reason
16 of his or her death.

17 G. The singular includes the plural and the plural includes
18 the singular and the "male" includes the "female", as the
19 context of this Act may require.

20 H. (Blank).

21 I. "Habitual residence" has the meaning ascribed to it in
22 the federal Intercountry Adoption Act of 2000 and regulations
23 promulgated thereunder.

24 J. "Immediate relatives" means the biological parents, the
25 parents of the biological parents and siblings of the
26 biological parents.

1 K. "Intercountry adoption" is a process by which a child
2 from a country other than the United States is adopted by
3 persons who are habitual residents of the United States, or the
4 child is a habitual resident of the United States who is
5 adopted by persons who are habitual residents of a country
6 other than the United States.

7 L. (Blank).

8 M. "Interstate Compact on the Placement of Children" is a
9 law enacted by all states and certain territories for the
10 purpose of establishing uniform procedures for handling the
11 interstate placement of children in foster homes, adoptive
12 homes, or other child care facilities.

13 N. (Blank).

14 O. "Preadoption requirements" means any conditions or
15 standards established by the laws or administrative rules of
16 this State that must be met by a prospective adoptive parent
17 prior to the placement of a child in an adoptive home.

18 P. "Abused child" means a child whose parent or immediate
19 family member, or any person responsible for the child's
20 welfare, or any individual residing in the same home as the
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be
23 inflicted upon the child physical injury, by other than
24 accidental means, that causes death, disfigurement,
25 impairment of physical or emotional health, or loss or
26 impairment of any bodily function;

1 (b) creates a substantial risk of physical injury to
2 the child by other than accidental means which would be
3 likely to cause death, disfigurement, impairment of
4 physical or emotional health, or loss or impairment of any
5 bodily function;

6 (c) commits or allows to be committed any sex offense
7 against the child, as sex offenses are defined in the
8 Criminal Code of 2012 and extending those definitions of
9 sex offenses to include children under 18 years of age;

10 (d) commits or allows to be committed an act or acts of
11 torture upon the child; or

12 (e) inflicts excessive corporal punishment.

13 Q. "Neglected child" means any child whose parent or other
14 person responsible for the child's welfare withholds or denies
15 nourishment or medically indicated treatment including food or
16 care denied solely on the basis of the present or anticipated
17 mental or physical impairment as determined by a physician
18 acting alone or in consultation with other physicians or
19 otherwise does not provide the proper or necessary support,
20 education as required by law, or medical or other remedial care
21 recognized under State law as necessary for a child's
22 well-being, or other care necessary for his or her well-being,
23 including adequate food, clothing and shelter; or who is
24 abandoned by his or her parents or other person responsible for
25 the child's welfare.

26 A child shall not be considered neglected or abused for the

1 sole reason that the child's parent or other person responsible
2 for his or her welfare depends upon spiritual means through
3 prayer alone for the treatment or cure of disease or remedial
4 care as provided under Section 4 of the Abused and Neglected
5 Child Reporting Act. A child shall not be considered neglected
6 or abused for the sole reason that the child's parent or other
7 person responsible for the child's welfare failed to vaccinate,
8 delayed vaccination, or refused vaccination for the child due
9 to a waiver on religious or medical grounds as permitted by
10 law.

11 R. "Putative father" means a man who may be a child's
12 father, but who (1) is not married to the child's mother on or
13 before the date that the child was or is to be born and (2) has
14 not established paternity of the child in a court proceeding
15 before the filing of a petition for the adoption of the child.
16 The term includes a male who is less than 18 years of age.
17 "Putative father" does not mean a man who is the child's father
18 as a result of criminal sexual abuse or assault as defined
19 under Article 11 of the Criminal Code of 2012.

20 S. "Standby adoption" means an adoption in which a parent
21 consents to custody and termination of parental rights to
22 become effective upon the occurrence of a future event, which
23 is either the death of the parent or the request of the parent
24 for the entry of a final judgment of adoption.

25 T. (Blank).

26 T-5. "Biological parent", "birth parent", or "natural

1 parent" of a child are interchangeable terms that mean a person
2 who is biologically or genetically related to that child as a
3 parent.

4 U. "Interstate adoption" means the placement of a minor
5 child with a prospective adoptive parent for the purpose of
6 pursuing an adoption for that child that is subject to the
7 provisions of the Interstate Compact on the Placement of
8 Children.

9 V. (Blank).

10 W. (Blank).

11 X. "Legal father" of a child means a man who is recognized
12 as or presumed to be that child's father:

13 (1) because of his marriage to or civil union with the
14 child's parent at the time of the child's birth or within
15 300 days prior to that child's birth, unless he signed a
16 denial of paternity pursuant to Section 12 of the Vital
17 Records Act or a waiver pursuant to Section 10 of this Act;
18 or

19 (2) because his paternity of the child has been
20 established pursuant to the Illinois Parentage Act, the
21 Illinois Parentage Act of 1984, or the Gestational
22 Surrogacy Act; or

23 (3) because he is listed as the child's father or
24 parent on the child's birth certificate, unless he is
25 otherwise determined by an administrative or judicial
26 proceeding not to be the parent of the child or unless he

1 rescinds his acknowledgment of paternity pursuant to the
2 Illinois Parentage Act of 1984; or

3 (4) because his paternity or adoption of the child has
4 been established by a court of competent jurisdiction.

5 The definition in this subsection X shall not be construed
6 to provide greater or lesser rights as to the number of parents
7 who can be named on a final judgment order of adoption or
8 Illinois birth certificate that otherwise exist under Illinois
9 law.

10 Y. "Legal mother" of a child means a woman who is
11 recognized as or presumed to be that child's mother:

12 (1) because she gave birth to the child except as
13 provided in the Gestational Surrogacy Act; or

14 (2) because her maternity of the child has been
15 established pursuant to the Illinois Parentage Act of 1984
16 or the Gestational Surrogacy Act; or

17 (3) because her maternity or adoption of the child has
18 been established by a court of competent jurisdiction; or

19 (4) because of her marriage to or civil union with the
20 child's other parent at the time of the child's birth or
21 within 300 days prior to the time of birth; or

22 (5) because she is listed as the child's mother or
23 parent on the child's birth certificate unless she is
24 otherwise determined by an administrative or judicial
25 proceeding not to be the parent of the child.

26 The definition in this subsection Y shall not be construed

1 to provide greater or lesser rights as to the number of parents
2 who can be named on a final judgment order of adoption or
3 Illinois birth certificate that otherwise exist under Illinois
4 law.

5 Z. "Department" means the Illinois Department of Children
6 and Family Services.

7 AA. "Placement disruption" means a circumstance where the
8 child is removed from an adoptive placement before the adoption
9 is finalized.

10 BB. "Secondary placement" means a placement, including but
11 not limited to the placement of a youth in care as defined in
12 Section 4d of the Children and Family Services Act, that occurs
13 after a placement disruption or an adoption dissolution.
14 "Secondary placement" does not mean secondary placements
15 arising due to the death of the adoptive parent of the child.

16 CC. "Adoption dissolution" means a circumstance where the
17 child is removed from an adoptive placement after the adoption
18 is finalized.

19 DD. "Unregulated placement" means the secondary placement
20 of a child that occurs without the oversight of the courts, the
21 Department, or a licensed child welfare agency.

22 EE. "Post-placement and post-adoption support services"
23 means support services for placed or adopted children and
24 families that include, but are not limited to, mental health
25 treatment, including counseling and other support services for
26 emotional, behavioral, or developmental needs, and treatment

1 for substance abuse.

2 (Source: P.A. 100-159, eff. 8-18-17; 101-155, eff. 1-1-20;
3 101-529, eff. 1-1-20; revised 9-17-19.)

4 Section 660. The Probate Act of 1975 is amended by changing
5 Section 11-1 as follows:

6 (755 ILCS 5/11-1) (from Ch. 110 1/2, par. 11-1)

7 Sec. 11-1. Definitions. As used in this Article:

8 "Administrative separation" means a parent's, legal
9 guardian's, legal custodian's, or primary caretaker's: (1)
10 arrest, detention, incarceration, removal, or deportation in
11 connection with federal immigration enforcement; or (2)
12 receipt of official communication by federal, State, or local
13 authorities regarding immigration enforcement that gives
14 reasonable notice that care and supervision of the child by the
15 parent, legal guardian, legal custodian, or primary caretaker
16 will be interrupted or cannot be provided.

17 "Minor" means ~~is~~ a person who has not attained the age of
18 18 years. A person who has attained the age of 18 years is of
19 legal age for all purposes except as otherwise provided in the
20 Illinois Uniform Transfers to Minors Act.

21 (Source: P.A. 101-120, eff. 7-23-19; revised 9-12-19.)

22 Section 665. The Illinois Residential Real Property
23 Transfer on Death Instrument Act is amended by changing Section

1 5 as follows:

2 (755 ILCS 27/5)

3 Sec. 5. Definitions. In this Act:

4 "Beneficiary" means a person that receives residential
5 real estate under a transfer on death instrument.

6 "Designated beneficiary" means a person designated to
7 receive residential real estate in a transfer on death
8 instrument.

9 "Joint owner" means an individual who owns residential real
10 estate concurrently with one or more other individuals with a
11 right of survivorship. The term includes a joint tenant or a
12 tenant by the entirety. The term does not include a tenant in
13 common.

14 "Owner" means an individual who makes a transfer on death
15 instrument.

16 "Person" means an individual, corporation, business trust,
17 land trust, estate, inter vivos ~~inter vivos~~ revocable or
18 irrevocable trust, testamentary trust, partnership, limited
19 liability company, association, joint venture, public
20 corporation, government or governmental subdivision, agency,
21 or instrumentality, or any other legal or commercial entity.

22 "Residential real estate" means real property improved
23 with not less than one nor more than 4 residential dwelling
24 units; a residential condominium unit, including, but not
25 limited to, the common elements allocated to the exclusive use

1 thereof that form an integral part of the condominium unit and
2 any parking unit or units specified by the declaration to be
3 allocated to a specific residential condominium unit; or a
4 single tract of agriculture real estate consisting of 40 acres
5 or less which is improved with a single family residence. If a
6 declaration of condominium ownership provides for individually
7 owned and transferable parking units, "residential real
8 estate" does not include the parking unit of a specific
9 residential condominium unit unless the parking unit is
10 included in the legal description of the property being
11 transferred by a transfer on death instrument.

12 "Transfer on death instrument" means an instrument
13 authorized under this Act.

14 (Source: P.A. 97-555, eff. 1-1-12; 98-821, eff. 1-1-15; revised
15 7-16-19.)

16 Section 670. The Illinois Trust Code is amended by changing
17 Sections 816, 913, 1005, and 1219 as follows:

18 (760 ILCS 3/816)

19 Sec. 816. Specific powers of trustee. Without limiting the
20 authority conferred by Section 815, a trustee may:

21 (1) collect trust property and accept or reject
22 additions to the trust property from a settlor or any other
23 person;

24 (2) acquire or sell property, for cash or on credit, at

1 public or private sale;

2 (3) exchange, partition, or otherwise change the
3 character of trust property;

4 (4) deposit trust money in an account in a regulated
5 financial-service institution;

6 (5) borrow money, with or without security, and
7 mortgage or pledge or otherwise encumber trust property for
8 a period within or extending beyond the duration of the
9 trust;

10 (6) with respect to an interest in a proprietorship,
11 partnership, limited liability company, business trust,
12 corporation, or other form of business or enterprise,
13 continue the business or other enterprise and take any
14 action that may be taken by shareholders, members, or
15 property owners, including merging, dissolving, pledging
16 other trust assets or guaranteeing a debt obligation of the
17 business or enterprise, or otherwise changing the form of
18 business organization or contributing additional capital;

19 (7) with respect to stocks or other securities,
20 exercise the rights of an absolute owner, including the
21 right to:

22 (A) vote, or give proxies to vote, with or without
23 power of substitution, or enter into or continue a
24 voting trust agreement;

25 (B) hold a security in the name of a nominee or in
26 other form without disclosure of the trust so that

1 title may pass by delivery;

2 (C) pay calls, assessments, and other sums
3 chargeable or accruing against the securities, and
4 sell or exercise stock subscription or conversion
5 rights;

6 (D) deposit the securities with a depository or
7 other regulated financial-service institution; and

8 (E) participate in mergers, consolidations,
9 foreclosures, reorganizations, and liquidations;

10 (8) with respect to an interest in real property,
11 construct, or make ordinary or extraordinary repairs to,
12 alterations to, or improvements in, buildings or other
13 structures, demolish improvements, raze existing or erect
14 new party walls or buildings, subdivide or develop land,
15 dedicate any interest in real estate, dedicate land to
16 public use or grant public or private easements, enter into
17 contracts relating to real estate, and make or vacate plats
18 and adjust boundaries;

19 (9) enter into a lease for any purpose as lessor or
20 lessee, including a lease or other arrangement for
21 exploration and removal of natural resources, with or
22 without the option to purchase or renew, for a period
23 within or extending beyond the duration of the trust;

24 (10) grant an option involving a sale, lease, or other
25 disposition of trust property or acquire an option for the
26 acquisition of property, including an option exercisable

1 beyond the duration of the trust, and exercise an option so
2 acquired;

3 (11) insure the property of the trust against damage or
4 loss and insure the trustee, the trustee's agents, and
5 beneficiaries against liability arising from the
6 administration of the trust;

7 (12) abandon or decline to administer property of no
8 value or of insufficient value to justify its collection or
9 continued administration;

10 (13) with respect to possible liability for violation
11 of environmental law:

12 (A) inspect or investigate property the trustee
13 holds or has been asked to hold, or property owned or
14 operated by an organization in which the trustee holds
15 or has been asked to hold an interest, for the purpose
16 of determining the application of environmental law
17 with respect to the property;

18 (B) take action to prevent, abate, or otherwise
19 remedy any actual or potential violation of any
20 environmental law affecting property held directly or
21 indirectly by the trustee, whether taken before or
22 after the assertion of a claim or the initiation of
23 governmental enforcement;

24 (C) decline to accept property into trust or
25 disclaim any power with respect to property that is or
26 may be burdened with liability for violation of

1 environmental law;

2 (D) compromise claims against the trust that may be
3 asserted for an alleged violation of environmental
4 law; and

5 (E) pay the expense of any inspection, review,
6 abatement, or remedial action to comply with
7 environmental law;

8 (14) pay, contest, prosecute, or abandon any claim,
9 settle a claim or charges in favor of or against the trust,
10 and release, in whole or in part, a claim belonging to the
11 trust;

12 (15) pay taxes, assessments, compensation of the
13 trustee and of employees and agents of the trust, and other
14 expenses incurred in the administration of the trust;

15 (16) exercise elections with respect to federal,
16 state, and local taxes;

17 (17) select a mode of payment under any employee
18 benefit or retirement plan, annuity, or life insurance
19 payable to the trustee, exercise rights related to the
20 employee benefit or retirement plan, annuity, or life
21 insurance payable to the trustee, including exercise the
22 right to indemnification for expenses and against
23 liabilities, and take appropriate action to collect the
24 proceeds;

25 (18) make loans out of trust property, including loans
26 to a beneficiary on terms and conditions the trustee

1 considers to be fair and reasonable under the
2 circumstances, and the trustee has a lien on future
3 distributions for repayment of those loans;

4 (19) pledge trust property to guarantee loans made by
5 others to the beneficiary;

6 (20) appoint a trustee to act in another jurisdiction
7 to act as sole or co-trustee with respect to any part or
8 all of trust property located in the other jurisdiction,
9 confer upon the appointed trustee any or all of the rights,
10 powers, and duties of the appointing trustee, require that
11 the appointed trustee furnish security, and remove any
12 trustee so appointed;

13 (21) distribute income and principal in one or more of
14 the following ways, without being required to see to the
15 application of any distribution, as the trustee believes to
16 be for the best interests of any beneficiary who at the
17 time of distribution is incapacitated or in the opinion of
18 the trustee is unable to manage property or business
19 affairs because of incapacity:

20 (A) directly to the beneficiary;

21 (B) to the guardian of the estate, or if none, the
22 guardian of the person of the beneficiary;

23 (C) to a custodian for the beneficiary under any
24 state's Uniform Transfers to Minors Act, Uniform Gifts
25 to Minors Act or Uniform Custodial Trust Act, and, for
26 that purpose, to create a custodianship or custodial

1 trust;

2 (D) to an adult relative of the beneficiary to be
3 expended on the beneficiary's behalf;

4 (E) by expending the money or using the property
5 directly for the benefit of the beneficiary;

6 (F) to a trust, created before the distribution
7 becomes payable, for the sole benefit of the
8 beneficiary and those dependent upon the beneficiary
9 during his or her lifetime, to be administered as a
10 part of the trust, except that any amount distributed
11 to the trust under this subparagraph (F) shall be
12 separately accounted for by the trustee of the trust
13 and shall be indefeasibly vested in the beneficiary so
14 that if the beneficiary dies before complete
15 distribution of the amounts, the amounts and the
16 accretions, earnings, and income, if any, shall be paid
17 to the beneficiary's estate, except that this
18 subparagraph (F) does not apply to the extent that it
19 would cause a trust otherwise qualifying for the
20 federal estate tax marital deduction not to qualify;
21 and

22 (G) by managing it as a separate fund on the
23 beneficiary's behalf, subject to the beneficiary's
24 continuing right to withdraw the distribution;

25 (22) on distribution of trust property or the division
26 or termination of a trust, make distributions in divided or

1 undivided interests, allocate particular assets in
2 proportionate or disproportionate shares, value the trust
3 property for those purposes, and adjust for resulting
4 differences in valuation;

5 (23) resolve a dispute concerning the interpretation
6 of the trust or its administration by judicial proceeding,
7 nonjudicial settlement agreement under Section 111,
8 mediation, arbitration, or other procedure for alternative
9 dispute resolution;

10 (24) prosecute or defend an action, claim, or judicial
11 proceeding in any jurisdiction to protect trust property
12 and the trustee in the performance of the trustee's duties;

13 (25) execute contracts, notes, conveyances, and other
14 instruments that are useful to achieve or facilitate the
15 exercise of the trustee's powers, regardless of whether the
16 instruments contain covenants and warranties binding upon
17 and creating a charge against the trust estate or excluding
18 personal liability;

19 (26) on termination of the trust, exercise the powers
20 appropriate to wind up the administration of the trust and
21 distribute the trust property to the persons entitled to
22 it;

23 (27) enter into agreements for bank or other deposit
24 accounts, safe deposit boxes, or custodian, agency, or
25 depository arrangements for all or any part of the trust
26 estate, including, to the extent fair to the beneficiaries,

1 agreements for services provided by a bank operated by or
2 affiliated with the trustee, and to pay reasonable
3 compensation for those services, including, to the extent
4 fair to the beneficiaries, compensation to the bank
5 operated by or affiliated with the trustee, except that
6 nothing in this Section shall be construed as removing any
7 depository arrangements from the requirements of the
8 prudent investor rule;

9 (28) engage attorneys, auditors, financial advisors,
10 and other agents and pay reasonable compensation to such
11 persons;

12 (29) invest in or hold undivided interests in property;

13 (30) if fair to the beneficiaries, deal with the
14 executor, trustee, or other representative of any other
15 trust or estate in which a beneficiary of the trust has an
16 interest, even if the trustee is an executor, trustee, or
17 other representative of the other trust or estate;

18 (31) make equitable division or distribution in cash or
19 in kind, or both, and for that purpose may value any
20 property divided or distributed in kind;

21 (32) rely upon an affidavit, certificate, letter, or
22 other evidence reasonably believed to be genuine and on the
23 basis of any such evidence to make any payment or
24 distribution in good faith without liability;

25 (33) except as otherwise directed by the court, have
26 all of the rights, powers, and duties given to or imposed

1 upon the trustee by law and the terms of the trust during
2 the period between the termination of the trust and the
3 distribution of the trust assets and during any period in
4 which any litigation is pending that may void or invalidate
5 the trust in whole or in part or affect the rights, powers,
6 duties, or discretions of the trustee;

7 (34) plant and harvest crops; breed, raise, purchase,
8 and sell livestock; lease land, equipment, or livestock for
9 cash or on shares, purchase and sell, exchange or otherwise
10 acquire or dispose of farm equipment and farm produce of
11 all kinds; make improvements, construct, repair, or
12 demolish and remove any buildings, structures, or fences,
13 engage agents, managers, and employees and delegate powers
14 to them; engage in drainage and conservation programs;
15 terrace, clear, ditch, and drain lands and install
16 irrigation systems; replace improvements and equipment;
17 fertilize and improve the soil; engage in the growing,
18 improvement, and sale of trees and other forest crops;
19 participate or decline to participate in governmental
20 agricultural or land programs; and perform such acts as the
21 trustee deems appropriate using such methods as are
22 commonly employed by other farm owners in the community in
23 which the farm property is located;

24 (35) drill, mine, and otherwise operate for the
25 development of oil, gas, and other minerals; enter into
26 contracts relating to the installation and operation of

1 absorption and repressuring plants; enter into unitization
2 or pooling agreements for any purpose including primary,
3 secondary, or tertiary recovery; place and maintain
4 pipelines ~~pipe lines~~; execute oil, gas, and mineral leases,
5 division and transfer orders, grants, deeds, releases and
6 assignments, and other instruments; participate in a
7 cooperative coal marketing association or similar entity;
8 and perform such other acts as the trustee deems
9 appropriate using such methods as are commonly employed by
10 owners of similar interests in the community in which the
11 interests are located;

12 (36) continue an unincorporated business and
13 participate in its management by having the trustee or one
14 or more agents of the trustee act as a manager with
15 appropriate compensation from the business and incorporate
16 the business;

17 (37) continue a business in the partnership form and
18 participate in its management by having the trustee or one
19 or more agents of the trustee act as a partner, limited
20 partner, or employee with appropriate compensation from
21 the business; enter into new partnership agreements and
22 incorporate the business; and, with respect to activities
23 under this paragraph (37), the trustee or the agent or
24 agents of the trustee shall not be personally liable to
25 third persons with respect to actions not sounding in tort
26 unless the trustee or agent fails to identify the trust

1 estate and disclose that the trustee or agent is acting in
2 a representative capacity, except that nothing in this
3 paragraph impairs in any way the liability of the trust
4 estate with respect to activities under this paragraph (37)
5 to the extent of the assets of the trust estate;~~;~~

6 (38) Release, by means of any written renunciation,
7 relinquishment, surrender, refusal to accept,
8 extinguishment, and any other form of release, any power
9 granted to the trustee by applicable law or the terms of a
10 trust and held by such trustee in its fiduciary capacity,
11 including any power to invade property, any power to alter,
12 amend, or revoke any instrument, whether or not such
13 release causes a termination of any right or interest
14 thereunder, and any power remaining where one or more
15 partial releases have heretofore or hereafter been made
16 with respect to such power, whether heretofore or hereafter
17 created or reserved as to: (i) any property that is subject
18 thereto; (ii) any one or more of the objects thereof; or
19 (iii) limit in any other respect the extent to which it may
20 be exercised. The release may be permanent or applicable
21 only for a specific time and may apply only to the trustee
22 executing the release or the trustee and all future
23 trustees, successor trustees, and co-trustees of the trust
24 acting at any time or from time to time.

25 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

1 (760 ILCS 3/913)

2 Sec. 913. Life insurance.

3 (a) Notwithstanding any other provision, the duties of a
4 trustee with respect to acquiring or retaining as a trust asset
5 a contract of insurance upon the life of the settlor, upon the
6 lives of the settlor and the settlor's spouse, or upon the life
7 of any person for which the trustee has an insurable interest
8 in accordance with Section 113, do not include any of the
9 following duties:

10 (1) to determine whether any contract of life insurance
11 in the trust, or to be acquired by the trust, is or remains
12 a proper investment, including, without limitation, with
13 respect to:

14 (A) the type of insurance contract;

15 (B) the quality of the insurance contract;

16 (C) the quality of the insurance company; or

17 (D) the investments held within the insurance
18 contract;

19 (2) to diversify the investment among different
20 policies or insurers, among available asset classes, or
21 within an insurance contract;

22 (3) to inquire about or investigate into the health or
23 financial condition of an insured;

24 (4) to prevent the lapse of a life insurance contract
25 if the trust does not receive contributions or hold other
26 readily marketable assets to pay the life insurance

1 contract premiums; or

2 (5) to exercise any policy options, rights, or
3 privileges available under any contract of life insurance
4 in the trust, including any right to borrow the cash value
5 or reserve of the policy, acquire a paid-up policy, or
6 convert to a different policy.

7 (b) The trustee is not liable to the beneficiaries of the
8 trust, the beneficiaries of the contract of insurance, or to
9 any other party for loss arising from the absence of these
10 duties regarding insurance contracts under this Section.

11 (c) This Section applies to an irrevocable trust created
12 after the effective date of this Code or to a revocable trust
13 that becomes irrevocable after the effective date of this Code.
14 The trustee of a trust described under this Section established
15 before the effective date of this Code shall notify the settlor
16 in writing that, unless the settlor provides written notice to
17 the contrary to the trustee within 90 days of the trustee's
18 notice, this Section applies to the trust. This Section does
19 not apply if, within 90 days of the trustee's notice, the
20 settlor notifies the trustee in writing that this Section does
21 not apply. If the settlor is deceased, then the trustee shall
22 give notice to all of the legally competent current
23 beneficiaries, and this Section applies to the trust unless the
24 majority of the beneficiaries notify the trustee to the
25 contrary in writing within 90 days of the trustee's notice.

26 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

1 (760 ILCS 3/1005)

2 Sec. 1005. Limitation on action against trustee.

3 (a) A beneficiary may not commence a proceeding against a
4 trustee for breach of trust for any matter disclosed in writing
5 by a trust accounting, or otherwise as provided in Sections
6 813.1, 813.2, and ~~Section~~ 1102, after the date on which the
7 disclosure becomes binding upon the beneficiary as provided
8 below:

9 (1) With respect to a trust that becomes irrevocable
10 after the effective date of this Code and to trustees
11 accepting appointment after the effective date of this
12 Code, a matter disclosed in writing by a trust accounting
13 or otherwise pursuant to Section 813.1 and Section 1102 is
14 binding on each person who receives the information and
15 each person represented as provided in Article 3 by a
16 person who receives the information, and all of the
17 person's respective successors, representatives, heirs,
18 and assigns, unless an action against the trustee is
19 instituted within 2 years after the date the information is
20 furnished. A trust accounting or other communication
21 adequately discloses the existence of a potential claim for
22 breach of trust if it provides sufficient information so
23 that the person entitled to receive the information knows
24 of the potential claim or should have inquired into its
25 existence.

1 (2) With respect to a trust that became irrevocable
2 before the effective date of this Code or a trustee that
3 accepted appointment before the effective date of this
4 Code, a current account is binding on each beneficiary
5 receiving the account and on the beneficiary's heirs and
6 assigns unless an action against the trustee is instituted
7 by the beneficiary or the beneficiary's heirs and assigns
8 within 3 years after the date the current account is
9 furnished, and a final accounting is binding on each
10 beneficiary receiving the final accounting and all persons
11 claiming by or through the beneficiary, unless an action
12 against the trustee is instituted by the beneficiary or
13 person claiming by or through him or her within 3 years
14 after the date the final account is furnished. If the
15 account is provided to the representative of the estate of
16 the beneficiary or to a spouse, parent, adult child, or
17 guardian of the person of the beneficiary, the account is
18 binding on the beneficiary unless an action is instituted
19 against the trustee by the representative of the estate of
20 the beneficiary or by the spouse, parent, adult child, or
21 guardian of the person to whom the account is furnished
22 within 3 years after the date it is furnished.

23 (3) Notwithstanding paragraphs (1) and (2), with
24 respect to trust estates that terminated and were
25 distributed 10 years or less before January 1, 1988, the
26 final account furnished to the beneficiaries entitled to

1 distribution of the trust estate is binding on the
2 beneficiaries receiving the final account, and all persons
3 claiming by or through them, unless an action against the
4 trustee is instituted by the beneficiary or person claiming
5 by or through him or her within 5 years after January 1,
6 1988 or within 10 years after the date the final account
7 was furnished, whichever is longer.

8 (4) Notwithstanding paragraphs (1), (2) and (3), with
9 respect to trust estates that terminated and were
10 distributed more than 10 years before January 1, 1988, the
11 final account furnished to the beneficiaries entitled to
12 distribution of the trust estate is binding on the
13 beneficiaries receiving the final account, and all persons
14 claiming by or through them, unless an action against the
15 trustee is instituted by the beneficiary or person claiming
16 by or through him or her within 2 years after January 1,
17 1988.

18 (b) Unless barred earlier under subsection (a), a judicial
19 proceeding by a beneficiary against a trustee for breach of
20 trust must be commenced within 5 years after the first to occur
21 of:

22 (1) the removal, resignation, or death of the trustee;

23 (2) the termination of the beneficiary's interest in
24 the trust; or

25 (3) the termination of the trust.

26 (c) Notwithstanding any other provision of this Section, a

1 beneficiary may bring any action against the trustee for
2 fraudulent concealment within the time limit set forth in
3 Section 13-215 of the Code of Civil Procedure.

4 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

5 (760 ILCS 3/1219)

6 Sec. 1219. Tax-related limitations.

7 (a) In this Section:

8 (1) "Grantor trust" means a trust as to which a settlor
9 of a first trust is considered the owner under Sections 671
10 through 677 of the Internal Revenue Code or Section 679 of
11 the Internal Revenue Code.

12 (2) "Nongrantor trust" means a trust that is not a
13 grantor trust.

14 (3) "Qualified benefits property" means property
15 subject to the minimum distribution requirements of
16 Section 401(a)(9) of the Internal Revenue Code, and any
17 applicable regulations, or to any similar requirements
18 that refer to Section 401(a)(9) of the Internal Revenue
19 Code or the regulations.

20 (b) An exercise of the decanting power is subject to the
21 following limitations:

22 (1) If a first trust contains property that qualified,
23 or would have qualified but for provisions of this Article
24 other than this Section, for a marital deduction for
25 purposes of the gift or estate tax under the Internal

1 Revenue Code or a state gift, estate, or inheritance tax,
2 the second-trust instrument must not include or omit any
3 term that, if included in or omitted from the trust
4 instrument for the trust to which the property was
5 transferred, would have prevented the transfer from
6 qualifying for the deduction, or would have reduced the
7 amount of the deduction, under the same provisions of the
8 Internal Revenue Code or state law under which the transfer
9 qualified.

10 (2) If the first trust contains property that
11 qualified, or would have qualified but for provisions of
12 this Article other than this Section, for a charitable
13 deduction for purposes of the income, gift, or estate tax
14 under the Internal Revenue Code or a state income, gift,
15 estate, or inheritance tax, the second-trust instrument
16 must not include or omit any term that, if included in or
17 omitted from the trust instrument for the trust to which
18 the property was transferred, would have prevented the
19 transfer from qualifying for the deduction, or would have
20 reduced the amount of the deduction, under the same
21 provisions of the Internal Revenue Code or state law under
22 which the transfer qualified.

23 (3) If the first trust contains property that
24 qualified, or would have qualified but for provisions of
25 this Article other than this Section, for the exclusion
26 from the gift tax described in Section 2503(b) of the

1 Internal Revenue Code, the second-trust instrument must
2 not include or omit a term that, if included in or omitted
3 from the trust instrument for the trust to which the
4 property was transferred, would have prevented the
5 transfer from qualifying under the same provision of
6 Section 2503 of the Internal Revenue Code. If the first
7 trust contains property that qualified, or would have
8 qualified but for provisions of this Article other than
9 this Section, for the exclusion from the gift tax described
10 in Section 2503(b) of the Internal Revenue Code, by
11 application of Section 2503(c) of the Internal Revenue
12 Code, the second-trust instrument must not include or omit
13 a term that, if included or omitted from the trust
14 instrument for the trust to which the property was
15 transferred, would have prevented the transfer from
16 qualifying under Section 2503(c) of the Internal Revenue
17 Code.

18 (4) If the property of the first trust includes shares
19 of stock in an S corporation, as defined in Section 1361 of
20 the Internal Revenue Code and the first trust is, or but
21 for provisions of this Article other than this Section
22 would be, a permitted shareholder under any provision of
23 Section 1361 of the Internal Revenue Code, an authorized
24 fiduciary may exercise the power with respect to part or
25 all of the S corporation ~~S corporation~~ stock only if any
26 second trust receiving the stock is a permitted shareholder

1 under Section 1361(c)(2) of the Internal Revenue Code. If
2 the property of the first trust includes shares of stock in
3 an S corporation and the first trust is, or but for
4 provisions of this Article other than this Section, would
5 be, a qualified subchapter S ~~subchapter S~~ trust within the
6 meaning of Section 1361(d) of the Internal Revenue Code,
7 the second-trust instrument must not include or omit a term
8 that prevents the second trust from qualifying as a
9 qualified subchapter S ~~subchapter S~~ trust.

10 (5) If the first trust contains property that
11 qualified, or would have qualified but for provisions of
12 this Article other than this Section, for a zero inclusion
13 ratio for purposes of the generation-skipping transfer tax
14 under Section 2642(c) of the Internal Revenue Code the
15 second-trust instrument must not include or omit a term
16 that, if included in or omitted from the first-trust
17 instrument, would have prevented the transfer to the first
18 trust from qualifying for a zero inclusion ratio under
19 Section 2642(a) of the Internal Revenue Code.

20 (6) If the first trust is directly or indirectly the
21 beneficiary of qualified benefits property, the
22 second-trust instrument may not include or omit any term
23 that, if included in or omitted from the first-trust
24 instrument, would have increased the minimum distributions
25 required with respect to the qualified benefits property
26 under Section 401(a)(9) of the Internal Revenue Code and

1 any applicable regulations, or any similar requirements
2 that refer to Section 401(a)(9) of the Internal Revenue
3 Code or the regulations. If an attempted exercise of the
4 decanting power violates the preceding sentence, the
5 trustee is deemed to have held the qualified benefits
6 property and any reinvested distributions of the property
7 as a separate share from the date of the exercise of the
8 power and Section 1222 applies to the separate share.

9 (7) If the first trust qualifies as a grantor trust
10 because of the application of Section 672(f)(2)(A) of the
11 Internal Revenue Code the second trust may not include or
12 omit a term that, if included in or omitted from the
13 first-trust instrument, would have prevented the first
14 trust from qualifying under Section 672(f)(2)(A) of the
15 Internal Revenue Code.

16 (8) In this paragraph (8), "tax benefit" means a
17 federal or state tax deduction, exemption, exclusion, or
18 other benefit not otherwise listed in this Section, except
19 for a benefit arising from being a grantor trust. Subject
20 to paragraph (9) of this subsection (b), a second-trust
21 instrument may not include or omit a term that, if included
22 in or omitted from the first-trust instrument, would have
23 prevented qualification for a tax benefit if:

24 (A) the first-trust instrument expressly indicates
25 an intent to qualify for the benefit or the first-trust
26 instrument clearly is designed to enable the first

1 trust to qualify for the benefit; and

2 (B) the transfer of property held by the first
3 trust or the first trust qualified, or but for
4 provisions of this Article other than this Section,
5 would have qualified for the tax benefit.

6 (9) Subject to paragraph (4) of this subsection (b):

7 (A) except as otherwise provided in paragraph (7)
8 of this subsection (b), the second trust may be a
9 nongrantor trust, even if the first trust is a grantor
10 trust; and

11 (B) except as otherwise provided in paragraph (10)
12 of this subsection (b), the second trust may be a
13 grantor trust, even if the first trust is a nongrantor
14 trust.

15 (10) An authorized fiduciary may not exercise the
16 decanting power if a settlor objects in a signed record
17 delivered to the fiduciary within the notice period and:

18 (A) the first trust and second trusts are both
19 grantor trusts, in whole or in part, the first trust
20 grants the settlor or another person the power to cause
21 the second trust to cease to be a grantor trust, and
22 the second trust does not grant an equivalent power to
23 the settlor or other person; or

24 (B) the first trust is a nongrantor trust and the
25 second trust is a grantor trust, in whole or in part,
26 with respect to the settlor, unless:

1 (i) the settlor has the power at all times to
2 cause the second trust to cease to be a grantor
3 trust; or

4 (ii) the first-trust instrument contains a
5 provision granting the settlor or another person a
6 power that would cause the first trust to cease to
7 be a grantor trust and the second-trust instrument
8 contains the same provision.

9 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

10 Section 675. The Charitable Trust Act is amended by
11 changing Section 1 as follows:

12 (760 ILCS 55/1) (from Ch. 14, par. 51)

13 Sec. 1. This Act may be cited as the Charitable Trust Act.

14 (Source: Laws 1961, p. 2094; revised 7-16-19.)

15 Section 680. The Illinois Trade Secrets Act is amended by
16 changing Section 6 as follows:

17 (765 ILCS 1065/6) (from Ch. 140, par. 356)

18 Sec. 6. In an action under this Act, a court shall preserve
19 the secrecy of an alleged trade secret by reasonable means,
20 which may include granting protective orders in connection with
21 discovery proceedings, holding in camera ~~in-camera~~ hearings,
22 sealing the records of the action, and ordering any person

1 involved in the litigation not to disclose an alleged trade
2 secret without prior court approval.

3 (Source: P.A. 85-366; revised 7-16-19.)

4 Section 685. The Illinois Human Rights Act is amended by
5 changing Sections 1-103, 2-101, 2-108, 6-102, and 7A-102 as
6 follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

8 Sec. 1-103. General definitions. When used in this Act,
9 unless the context requires otherwise, the term:

10 (A) Age. "Age" means the chronological age of a person who
11 is at least 40 years old, except with regard to any practice
12 described in Section 2-102, insofar as that practice concerns
13 training or apprenticeship programs. In the case of training or
14 apprenticeship programs, for the purposes of Section 2-102,
15 "age" means the chronological age of a person who is 18 but not
16 yet 40 years old.

17 (B) Aggrieved party. "Aggrieved party" means a person who
18 is alleged or proved to have been injured by a civil rights
19 violation or believes he or she will be injured by a civil
20 rights violation under Article 3 that is about to occur.

21 (B-5) Arrest record. "Arrest record" means:

22 (1) an arrest not leading to a conviction;

23 (2) a juvenile record; or

24 (3) criminal history record information ordered

1 expunged, sealed, or impounded under Section 5.2 of the
2 Criminal Identification Act.

3 (C) Charge. "Charge" means an allegation filed with the
4 Department by an aggrieved party or initiated by the Department
5 under its authority.

6 (D) Civil rights violation. "Civil rights violation"
7 includes and shall be limited to only those specific acts set
8 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
9 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
10 6-101, and 6-102 of this Act.

11 (E) Commission. "Commission" means the Human Rights
12 Commission created by this Act.

13 (F) Complaint. "Complaint" means the formal pleading filed
14 by the Department with the Commission following an
15 investigation and finding of substantial evidence of a civil
16 rights violation.

17 (G) Complainant. "Complainant" means a person including
18 the Department who files a charge of civil rights violation
19 with the Department or the Commission.

20 (H) Department. "Department" means the Department of Human
21 Rights created by this Act.

22 (I) Disability. "Disability" means a determinable physical
23 or mental characteristic of a person, including, but not
24 limited to, a determinable physical characteristic which
25 necessitates the person's use of a guide, hearing or support
26 dog, the history of such characteristic, or the perception of

1 such characteristic by the person complained against, which may
2 result from disease, injury, congenital condition of birth or
3 functional disorder and which characteristic:

4 (1) For purposes of Article 2, is unrelated to the
5 person's ability to perform the duties of a particular job
6 or position and, pursuant to Section 2-104 of this Act, a
7 person's illegal use of drugs or alcohol is not a
8 disability;

9 (2) For purposes of Article 3, is unrelated to the
10 person's ability to acquire, rent, or maintain a housing
11 accommodation;

12 (3) For purposes of Article 4, is unrelated to a
13 person's ability to repay;

14 (4) For purposes of Article 5, is unrelated to a
15 person's ability to utilize and benefit from a place of
16 public accommodation;

17 (5) For purposes of Article 5, also includes any
18 mental, psychological, or developmental disability,
19 including autism spectrum disorders.

20 (J) Marital status. "Marital status" means the legal status
21 of being married, single, separated, divorced, or widowed.

22 (J-1) Military status. "Military status" means a person's
23 status on active duty in or status as a veteran of the armed
24 forces of the United States, status as a current member or
25 veteran of any reserve component of the armed forces of the
26 United States, including the United States Army Reserve, United

1 States Marine Corps Reserve, United States Navy Reserve, United
2 States Air Force Reserve, and United States Coast Guard
3 Reserve, or status as a current member or veteran of the
4 Illinois Army National Guard or Illinois Air National Guard.

5 (K) National origin. "National origin" means the place in
6 which a person or one of his or her ancestors was born.

7 (K-5) "Order of protection status" means a person's status
8 as being a person protected under an order of protection issued
9 pursuant to the Illinois Domestic Violence Act of 1986, Article
10 112A of the Code of Criminal Procedure of 1963, the Stalking No
11 Contact Order Act, or the Civil No Contact Order Act, or an
12 order of protection issued by a court of another state.

13 (L) Person. "Person" includes one or more individuals,
14 partnerships, associations or organizations, labor
15 organizations, labor unions, joint apprenticeship committees,
16 or union labor associations, corporations, the State of
17 Illinois and its instrumentalities, political subdivisions,
18 units of local government, legal representatives, trustees in
19 bankruptcy or receivers.

20 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
21 or medical or common conditions related to pregnancy or
22 childbirth.

23 (M) Public contract. "Public contract" includes every
24 contract to which the State, any of its political subdivisions,
25 or any municipal corporation is a party.

26 (N) Religion. "Religion" includes all aspects of religious

1 observance and practice, as well as belief, except that with
2 respect to employers, for the purposes of Article 2, "religion"
3 has the meaning ascribed to it in paragraph (F) of Section
4 2-101.

5 (O) Sex. "Sex" means the status of being male or female.

6 (O-1) Sexual orientation. "Sexual orientation" means
7 actual or perceived heterosexuality, homosexuality,
8 bisexuality, or gender-related identity, whether or not
9 traditionally associated with the person's designated sex at
10 birth. "Sexual orientation" does not include a physical or
11 sexual attraction to a minor by an adult.

12 (P) Unfavorable military discharge. "Unfavorable military
13 discharge" includes discharges from the Armed Forces of the
14 United States, their Reserve components, or any National Guard
15 or Naval Militia which are classified as RE-3 or the equivalent
16 thereof, but does not include those characterized as RE-4 or
17 "Dishonorable".

18 (Q) Unlawful discrimination. "Unlawful discrimination"
19 means discrimination against a person because of his or her
20 actual or perceived: race, color, religion, national origin,
21 ancestry, age, sex, marital status, order of protection status,
22 disability, military status, sexual orientation, pregnancy, or
23 unfavorable discharge from military service as those terms are
24 defined in this Section.

25 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
26 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

1 (775 ILCS 5/2-101)

2 (Text of Section before amendment by P.A. 101-430)

3 Sec. 2-101. Definitions. The following definitions are
4 applicable strictly in the context of this Article.

5 (A) Employee.

6 (1) "Employee" includes:

7 (a) Any individual performing services for
8 remuneration within this State for an employer;

9 (b) An apprentice;

10 (c) An applicant for any apprenticeship.

11 For purposes of subsection (D) of Section 2-102 of this
12 Act, "employee" also includes an unpaid intern. An unpaid
13 intern is a person who performs work for an employer under
14 the following circumstances:

15 (i) the employer is not committed to hiring the
16 person performing the work at the conclusion of the
17 intern's tenure;

18 (ii) the employer and the person performing the
19 work agree that the person is not entitled to wages for
20 the work performed; and

21 (iii) the work performed:

22 (I) supplements training given in an
23 educational environment that may enhance the
24 employability of the intern;

25 (II) provides experience for the benefit of

1 the person performing the work;
2 (III) does not displace regular employees;
3 (IV) is performed under the close supervision
4 of existing staff; and
5 (V) provides no immediate advantage to the
6 employer providing the training and may
7 occasionally impede the operations of the
8 employer.

9 (2) "Employee" does not include:

10 (a) (Blank);

11 (b) Individuals employed by persons who are not
12 "employers" as defined by this Act;

13 (c) Elected public officials or the members of
14 their immediate personal staffs;

15 (d) Principal administrative officers of the State
16 or of any political subdivision, municipal corporation
17 or other governmental unit or agency;

18 (e) A person in a vocational rehabilitation
19 facility certified under federal law who has been
20 designated an evaluatee, trainee, or work activity
21 client.

22 (B) Employer.

23 (1) "Employer" includes:

24 (a) Any person employing 15 or more employees
25 within Illinois during 20 or more calendar weeks within
26 the calendar year of or preceding the alleged

1 violation;

2 (b) Any person employing one or more employees when
3 a complainant alleges civil rights violation due to
4 unlawful discrimination based upon his or her physical
5 or mental disability unrelated to ability, pregnancy,
6 or sexual harassment;

7 (c) The State and any political subdivision,
8 municipal corporation or other governmental unit or
9 agency, without regard to the number of employees;

10 (d) Any party to a public contract without regard
11 to the number of employees;

12 (e) A joint apprenticeship or training committee
13 without regard to the number of employees.

14 (2) "Employer" does not include any religious
15 corporation, association, educational institution,
16 society, or non-profit nursing institution conducted by
17 and for those who rely upon treatment by prayer through
18 spiritual means in accordance with the tenets of a
19 recognized church or religious denomination with respect
20 to the employment of individuals of a particular religion
21 to perform work connected with the carrying on by such
22 corporation, association, educational institution, society
23 or non-profit nursing institution of its activities.

24 (C) Employment Agency. "Employment Agency" includes both
25 public and private employment agencies and any person, labor
26 organization, or labor union having a hiring hall or hiring

1 office regularly undertaking, with or without compensation, to
2 procure opportunities to work, or to procure, recruit, refer or
3 place employees.

4 (D) Labor Organization. "Labor Organization" includes any
5 organization, labor union, craft union, or any voluntary
6 unincorporated association designed to further the cause of the
7 rights of union labor which is constituted for the purpose, in
8 whole or in part, of collective bargaining or of dealing with
9 employers concerning grievances, terms or conditions of
10 employment, or apprenticeships or applications for
11 apprenticeships, or of other mutual aid or protection in
12 connection with employment, including apprenticeships or
13 applications for apprenticeships.

14 (E) Sexual Harassment. "Sexual harassment" means any
15 unwelcome sexual advances or requests for sexual favors or any
16 conduct of a sexual nature when (1) submission to such conduct
17 is made either explicitly or implicitly a term or condition of
18 an individual's employment, (2) submission to or rejection of
19 such conduct by an individual is used as the basis for
20 employment decisions affecting such individual, or (3) such
21 conduct has the purpose or effect of substantially interfering
22 with an individual's work performance or creating an
23 intimidating, hostile or offensive working environment.

24 For purposes of this definition, the phrase "working
25 environment" is not limited to a physical location an employee
26 is assigned to perform his or her duties.

1 (E-1) Harassment. "Harassment" means any unwelcome conduct
2 on the basis of an individual's actual or perceived race,
3 color, religion, national origin, ancestry, age, sex, marital
4 status, order of protection status, disability, military
5 status, sexual orientation, pregnancy, unfavorable discharge
6 from military service, or citizenship status that has the
7 purpose or effect of substantially interfering with the
8 individual's work performance or creating an intimidating,
9 hostile, or offensive working environment. For purposes of this
10 definition, the phrase "working environment" is not limited to
11 a physical location an employee is assigned to perform his or
12 her duties.

13 (F) Religion. "Religion" with respect to employers
14 includes all aspects of religious observance and practice, as
15 well as belief, unless an employer demonstrates that he is
16 unable to reasonably accommodate an employee's or prospective
17 employee's religious observance or practice without undue
18 hardship on the conduct of the employer's business.

19 (G) Public Employer. "Public employer" means the State, an
20 agency or department thereof, unit of local government, school
21 district, instrumentality or political subdivision.

22 (H) Public Employee. "Public employee" means an employee of
23 the State, agency or department thereof, unit of local
24 government, school district, instrumentality or political
25 subdivision. "Public employee" does not include public
26 officers or employees of the General Assembly or agencies

1 thereof.

2 (I) Public Officer. "Public officer" means a person who is
3 elected to office pursuant to the Constitution or a statute or
4 ordinance, or who is appointed to an office which is
5 established, and the qualifications and duties of which are
6 prescribed, by the Constitution or a statute or ordinance, to
7 discharge a public duty for the State, agency or department
8 thereof, unit of local government, school district,
9 instrumentality or political subdivision.

10 (J) Eligible Bidder. "Eligible bidder" means a person who,
11 prior to contract award or prior to bid opening for State
12 contracts for construction or construction-related services,
13 has filed with the Department a properly completed, sworn and
14 currently valid employer report form, pursuant to the
15 Department's regulations. The provisions of this Article
16 relating to eligible bidders apply only to bids on contracts
17 with the State and its departments, agencies, boards, and
18 commissions, and the provisions do not apply to bids on
19 contracts with units of local government or school districts.

20 (K) Citizenship Status. "Citizenship status" means the
21 status of being:

22 (1) a born U.S. citizen;

23 (2) a naturalized U.S. citizen;

24 (3) a U.S. national; or

25 (4) a person born outside the United States and not a
26 U.S. citizen who is not an unauthorized alien and who is

1 protected from discrimination under the provisions of
2 Section 1324b of Title 8 of the United States Code, as now
3 or hereafter amended.

4 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 1-1-20.)

5 (Text of Section after amendment by P.A. 101-430)

6 Sec. 2-101. Definitions. The following definitions are
7 applicable strictly in the context of this Article.

8 (A) Employee.

9 (1) "Employee" includes:

10 (a) Any individual performing services for
11 remuneration within this State for an employer;

12 (b) An apprentice;

13 (c) An applicant for any apprenticeship.

14 For purposes of subsection (D) of Section 2-102 of this
15 Act, "employee" also includes an unpaid intern. An unpaid
16 intern is a person who performs work for an employer under
17 the following circumstances:

18 (i) the employer is not committed to hiring the
19 person performing the work at the conclusion of the
20 intern's tenure;

21 (ii) the employer and the person performing the
22 work agree that the person is not entitled to wages for
23 the work performed; and

24 (iii) the work performed:

25 (I) supplements training given in an

1 educational environment that may enhance the
2 employability of the intern;

3 (II) provides experience for the benefit of
4 the person performing the work;

5 (III) does not displace regular employees;

6 (IV) is performed under the close supervision
7 of existing staff; and

8 (V) provides no immediate advantage to the
9 employer providing the training and may
10 occasionally impede the operations of the
11 employer.

12 (2) "Employee" does not include:

13 (a) (Blank);

14 (b) Individuals employed by persons who are not
15 "employers" as defined by this Act;

16 (c) Elected public officials or the members of
17 their immediate personal staffs;

18 (d) Principal administrative officers of the State
19 or of any political subdivision, municipal corporation
20 or other governmental unit or agency;

21 (e) A person in a vocational rehabilitation
22 facility certified under federal law who has been
23 designated an evaluatee, trainee, or work activity
24 client.

25 (B) Employer.

26 (1) "Employer" includes:

1 (a) Any person employing one or more employees
2 within Illinois during 20 or more calendar weeks within
3 the calendar year of or preceding the alleged
4 violation;

5 (b) Any person employing one or more employees when
6 a complainant alleges civil rights violation due to
7 unlawful discrimination based upon his or her physical
8 or mental disability unrelated to ability, pregnancy,
9 or sexual harassment;

10 (c) The State and any political subdivision,
11 municipal corporation or other governmental unit or
12 agency, without regard to the number of employees;

13 (d) Any party to a public contract without regard
14 to the number of employees;

15 (e) A joint apprenticeship or training committee
16 without regard to the number of employees.

17 (2) "Employer" does not include any place of worship,
18 religious corporation, association, educational
19 institution, society, or non-profit nursing institution
20 conducted by and for those who rely upon treatment by
21 prayer through spiritual means in accordance with the
22 tenets of a recognized church or religious denomination
23 with respect to the employment of individuals of a
24 particular religion to perform work connected with the
25 carrying on by such place of worship, corporation,
26 association, educational institution, society or

1 non-profit nursing institution of its activities.

2 (C) Employment Agency. "Employment Agency" includes both
3 public and private employment agencies and any person, labor
4 organization, or labor union having a hiring hall or hiring
5 office regularly undertaking, with or without compensation, to
6 procure opportunities to work, or to procure, recruit, refer or
7 place employees.

8 (D) Labor Organization. "Labor Organization" includes any
9 organization, labor union, craft union, or any voluntary
10 unincorporated association designed to further the cause of the
11 rights of union labor which is constituted for the purpose, in
12 whole or in part, of collective bargaining or of dealing with
13 employers concerning grievances, terms or conditions of
14 employment, or apprenticeships or applications for
15 apprenticeships, or of other mutual aid or protection in
16 connection with employment, including apprenticeships or
17 applications for apprenticeships.

18 (E) Sexual Harassment. "Sexual harassment" means any
19 unwelcome sexual advances or requests for sexual favors or any
20 conduct of a sexual nature when (1) submission to such conduct
21 is made either explicitly or implicitly a term or condition of
22 an individual's employment, (2) submission to or rejection of
23 such conduct by an individual is used as the basis for
24 employment decisions affecting such individual, or (3) such
25 conduct has the purpose or effect of substantially interfering
26 with an individual's work performance or creating an

1 intimidating, hostile or offensive working environment.

2 For purposes of this definition, the phrase "working
3 environment" is not limited to a physical location an employee
4 is assigned to perform his or her duties.

5 (E-1) Harassment. "Harassment" means any unwelcome conduct
6 on the basis of an individual's actual or perceived race,
7 color, religion, national origin, ancestry, age, sex, marital
8 status, order of protection status, disability, military
9 status, sexual orientation, pregnancy, unfavorable discharge
10 from military service, or citizenship status that has the
11 purpose or effect of substantially interfering with the
12 individual's work performance or creating an intimidating,
13 hostile, or offensive working environment. For purposes of this
14 definition, the phrase "working environment" is not limited to
15 a physical location an employee is assigned to perform his or
16 her duties.

17 (F) Religion. "Religion" with respect to employers
18 includes all aspects of religious observance and practice, as
19 well as belief, unless an employer demonstrates that he is
20 unable to reasonably accommodate an employee's or prospective
21 employee's religious observance or practice without undue
22 hardship on the conduct of the employer's business.

23 (G) Public Employer. "Public employer" means the State, an
24 agency or department thereof, unit of local government, school
25 district, instrumentality or political subdivision.

26 (H) Public Employee. "Public employee" means an employee of

1 the State, agency or department thereof, unit of local
2 government, school district, instrumentality or political
3 subdivision. "Public employee" does not include public
4 officers or employees of the General Assembly or agencies
5 thereof.

6 (I) Public Officer. "Public officer" means a person who is
7 elected to office pursuant to the Constitution or a statute or
8 ordinance, or who is appointed to an office which is
9 established, and the qualifications and duties of which are
10 prescribed, by the Constitution or a statute or ordinance, to
11 discharge a public duty for the State, agency or department
12 thereof, unit of local government, school district,
13 instrumentality or political subdivision.

14 (J) Eligible Bidder. "Eligible bidder" means a person who,
15 prior to contract award or prior to bid opening for State
16 contracts for construction or construction-related services,
17 has filed with the Department a properly completed, sworn and
18 currently valid employer report form, pursuant to the
19 Department's regulations. The provisions of this Article
20 relating to eligible bidders apply only to bids on contracts
21 with the State and its departments, agencies, boards, and
22 commissions, and the provisions do not apply to bids on
23 contracts with units of local government or school districts.

24 (K) Citizenship Status. "Citizenship status" means the
25 status of being:

26 (1) a born U.S. citizen;

- 1 (2) a naturalized U.S. citizen;
- 2 (3) a U.S. national; or
- 3 (4) a person born outside the United States and not a
- 4 U.S. citizen who is not an unauthorized alien and who is
- 5 protected from discrimination under the provisions of
- 6 Section 1324b of Title 8 of the United States Code, as now
- 7 or hereafter amended.

8 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 1-1-20;

9 101-430, eff. 7-1-20; revised 9-18-19.)

10 (775 ILCS 5/2-108)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 2-108. Employer disclosure requirements.

13 (A) Definitions. The following definitions are applicable

14 strictly to this Section:

15 (1) "Employer" means:

16 (a) any person employing one or more employees

17 within this State;

18 (b) a labor organization; or

19 (c) the State and any political subdivision,

20 municipal corporation, or other governmental unit or

21 agency, without regard to the number of employees.

22 (2) "Settlement" means any written commitment or

23 written agreement, including any agreed judgment,

24 stipulation, decree, agreement to settle, assurance of

25 discontinuance, or otherwise between an employee, as

1 defined by subsection (A) of Section 2-101, or a
2 nonemployee to whom an employer owes a duty under this Act
3 pursuant to subsection (A-10) or (D-5) of Section 2-102,
4 and an employer under which the employer directly or
5 indirectly provides to an individual compensation or other
6 consideration due to an allegation that the individual has
7 been a victim of sexual harassment or unlawful
8 discrimination under this Act.

9 (3) "Adverse judgment or administrative ruling" means
10 any final and non-appealable adverse judgment or final and
11 non-appealable administrative ruling entered in favor of
12 an employee as defined by subsection (A) of Section 2-101
13 or a nonemployee to whom an employer owes a duty under this
14 Act pursuant to subsection (A-10) or (D-5) of Section
15 2-102, and against the employer during the preceding year
16 in which there was a finding of sexual harassment or
17 unlawful discrimination brought under this Act, Title VII
18 of the Civil Rights Act of 1964, or any other federal,
19 State, or local law prohibiting sexual harassment or
20 unlawful discrimination.

21 (B) Required disclosures. Beginning July 1, 2020, and by
22 each July 1 thereafter, each employer that had an adverse
23 judgment or administrative ruling against it in the preceding
24 calendar year, as provided in this Section, shall disclose
25 annually to the Department of Human Rights the following
26 information:

1 (1) the total number of adverse judgments or
2 administrative rulings during the preceding year;

3 (2) whether any equitable relief was ordered against
4 the employer in any adverse judgment or administrative
5 ruling described in paragraph (1);

6 (3) how many adverse judgments or administrative
7 rulings described in paragraph (1) are in each of the
8 following categories:

9 (a) sexual harassment;

10 (b) discrimination or harassment on the basis of
11 sex;

12 (c) discrimination or harassment on the basis of
13 race, color, or national origin;

14 (d) discrimination or harassment on the basis of
15 religion;

16 (e) discrimination or harassment on the basis of
17 age;

18 (f) discrimination or harassment on the basis of
19 disability;

20 (g) discrimination or harassment on the basis of
21 military status or unfavorable discharge from military
22 status;

23 (h) discrimination or harassment on the basis of
24 sexual orientation or gender identity; and

25 (i) discrimination or harassment on the basis of
26 any other characteristic protected under this Act.†

1 (C) Settlements. If the Department is investigating a
2 charge filed pursuant to this Act, the Department may request
3 the employer responding to the charge to submit the total
4 number of settlements entered into during the preceding 5
5 years, or less at the direction of the Department, that relate
6 to any alleged act of sexual harassment or unlawful
7 discrimination that:

8 (1) occurred in the workplace of the employer; or

9 (2) involved the behavior of an employee of the
10 employer or a corporate executive of the employer, without
11 regard to whether that behavior occurred in the workplace
12 of the employer.

13 The total number of settlements entered into during the
14 requested period shall be reported along with how many
15 settlements are in each of the following categories, when
16 requested by the Department pursuant to this subsection:

17 (a) sexual harassment;

18 (b) discrimination or harassment on the basis of sex;

19 (c) discrimination or harassment on the basis of race,
20 color, or national origin;

21 (d) discrimination or harassment on the basis of
22 religion;

23 (e) discrimination or harassment on the basis of age;

24 (f) discrimination or harassment on the basis of
25 disability;

26 (g) discrimination or harassment on the basis of

1 military status or unfavorable discharge from military
2 status;

3 (h) discrimination or harassment on the basis of sexual
4 orientation or gender identity; and

5 (i) discrimination or harassment on the basis of any
6 other characteristic protected under this Act;

7 The Department shall not rely on the existence of any
8 settlement agreement to support a finding of substantial
9 evidence under this Act.

10 (D) Prohibited disclosures. An employer may not disclose
11 the name of a victim of an act of alleged sexual harassment or
12 unlawful discrimination in any disclosures required under this
13 Section.

14 (E) Annual report. The Department shall publish an annual
15 report aggregating the information reported by employers under
16 subsection (B) of this Section such that no individual employer
17 data is available to the public. The report shall include the
18 number of adverse judgments or administrative rulings filed
19 during the preceding calendar year based on each of the
20 protected classes identified by this Act.

21 The report shall be filed with the General Assembly and
22 made available to the public by December 31 of each reporting
23 year. Data submitted by an employer to comply with this Section
24 is confidential and exempt from the Freedom of Information Act.

25 (F) Failure to report and penalties. If an employer fails
26 to make any disclosures required under this Section, the

1 Department shall issue a notice to show cause giving the
2 employer 30 days to disclose the required information. If the
3 employer does not make the required disclosures within 30 days,
4 the Department shall petition the Illinois Human Rights
5 Commission for entry of an order imposing a civil penalty
6 against the employer pursuant to Section 8-109.1. The civil
7 penalty shall be paid into the Department of Human Rights'
8 Training and Development Fund.

9 (G) Rules. The Department shall adopt any rules it deems
10 necessary for implementation of this Section.

11 (H) This Section is repealed on January 1, 2030.

12 (Source: P.A. 101-221, eff. 1-1-20; revised 9-12-19.)

13 (775 ILCS 5/6-102)

14 Sec. 6-102. Violations of other Acts. A person who violates
15 ~~the~~ Section 11-117-12.2 of the Illinois Municipal Code, Section
16 224.05 of the Illinois Insurance Code, Section 8-201.5 of the
17 Public Utilities Act, Sections 2-1401.1, 9-107.10, 9-107.11,
18 and 15-1501.6 of the Code of Civil Procedure, Section 4.05 of
19 the Interest Act, the Military Personnel Cellular Phone
20 Contract Termination Act, Section 405-272 of the Civil
21 Administrative Code of Illinois, Section 10-63 of the Illinois
22 Administrative Procedure Act, Sections 30.25 and 30.30 of the
23 Military Code of Illinois, Section 16 of the Landlord and
24 Tenant Act, Section 26.5 of the Retail Installment Sales Act,
25 or Section 37 of the Motor Vehicle Leasing Act commits a civil

1 rights violation within the meaning of this Act.

2 (Source: P.A. 100-1101, eff. 1-1-19; revised 7-16-19.)

3 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

4 Sec. 7A-102. Procedures.

5 (A) Charge.

6 (1) Within 300 calendar days after the date that a
7 civil rights violation allegedly has been committed, a
8 charge in writing under oath or affirmation may be filed
9 with the Department by an aggrieved party or issued by the
10 Department itself under the signature of the Director.

11 (2) The charge shall be in such detail as to
12 substantially apprise any party properly concerned as to
13 the time, place, and facts surrounding the alleged civil
14 rights violation.

15 (3) Charges deemed filed with the Department pursuant
16 to subsection (A-1) of this Section shall be deemed to be
17 in compliance with this subsection.

18 (A-1) Equal Employment Opportunity Commission Charges.

19 (1) If a charge is filed with the Equal Employment
20 Opportunity Commission (EEOC) within 300 calendar days
21 after the date of the alleged civil rights violation, the
22 charge shall be deemed filed with the Department on the
23 date filed with the EEOC. If the EEOC is the governmental
24 agency designated to investigate the charge first, the
25 Department shall take no action until the EEOC makes a

1 determination on the charge and after the complainant
2 notifies the Department of the EEOC's determination. In
3 such cases, after receiving notice from the EEOC that a
4 charge was filed, the Department shall notify the parties
5 that (i) a charge has been received by the EEOC and has
6 been sent to the Department for dual filing purposes; (ii)
7 the EEOC is the governmental agency responsible for
8 investigating the charge and that the investigation shall
9 be conducted pursuant to the rules and procedures adopted
10 by the EEOC; (iii) it will take no action on the charge
11 until the EEOC issues its determination; (iv) the
12 complainant must submit a copy of the EEOC's determination
13 within 30 days after service of the determination by the
14 EEOC on the complainant; and (v) that the time period to
15 investigate the charge contained in subsection (G) of this
16 Section is tolled from the date on which the charge is
17 filed with the EEOC until the EEOC issues its
18 determination.

19 (2) If the EEOC finds reasonable cause to believe that
20 there has been a violation of federal law and if the
21 Department is timely notified of the EEOC's findings by the
22 complainant, the Department shall notify the complainant
23 that the Department has adopted the EEOC's determination of
24 reasonable cause and that the complainant has the right,
25 within 90 days after receipt of the Department's notice, to
26 either file his or her own complaint with the Illinois

1 Human Rights Commission or commence a civil action in the
2 appropriate circuit court or other appropriate court of
3 competent jurisdiction. This notice shall be provided to
4 the complainant within 10 business days after the
5 Department's receipt of the EEOC's determination. The
6 Department's notice to the complainant that the Department
7 has adopted the EEOC's determination of reasonable cause
8 shall constitute the Department's Report for purposes of
9 subparagraph (D) of this Section.

10 (3) For those charges alleging violations within the
11 jurisdiction of both the EEOC and the Department and for
12 which the EEOC either (i) does not issue a determination,
13 but does issue the complainant a notice of a right to sue,
14 including when the right to sue is issued at the request of
15 the complainant, or (ii) determines that it is unable to
16 establish that illegal discrimination has occurred and
17 issues the complainant a right to sue notice, and if the
18 Department is timely notified of the EEOC's determination
19 by the complainant, the Department shall notify the
20 parties, within 10 business days after receipt of the
21 EEOC's determination, that the Department will adopt the
22 EEOC's determination as a dismissal for lack of substantial
23 evidence unless the complainant requests in writing within
24 35 days after receipt of the Department's notice that the
25 Department review the EEOC's determination.

26 (a) If the complainant does not file a written

1 request with the Department to review the EEOC's
2 determination within 35 days after receipt of the
3 Department's notice, the Department shall notify the
4 complainant, within 10 business days after the
5 expiration of the 35-day period, that the decision of
6 the EEOC has been adopted by the Department as a
7 dismissal for lack of substantial evidence and that the
8 complainant has the right, within 90 days after receipt
9 of the Department's notice, to commence a civil action
10 in the appropriate circuit court or other appropriate
11 court of competent jurisdiction. The Department's
12 notice to the complainant that the Department has
13 adopted the EEOC's determination shall constitute the
14 Department's report for purposes of subparagraph (D)
15 of this Section.

16 (b) If the complainant does file a written request
17 with the Department to review the EEOC's
18 determination, the Department shall review the EEOC's
19 determination and any evidence obtained by the EEOC
20 during its investigation. If, after reviewing the
21 EEOC's determination and any evidence obtained by the
22 EEOC, the Department determines there is no need for
23 further investigation of the charge, the Department
24 shall issue a report and the Director shall determine
25 whether there is substantial evidence that the alleged
26 civil rights violation has been committed pursuant to

1 subsection (D) of this Section ~~7A-102~~. If, after
2 reviewing the EEOC's determination and any evidence
3 obtained by the EEOC, the Department determines there
4 is a need for further investigation of the charge, the
5 Department may conduct any further investigation it
6 deems necessary. After reviewing the EEOC's
7 determination, the evidence obtained by the EEOC, and
8 any additional investigation conducted by the
9 Department, the Department shall issue a report and the
10 Director shall determine whether there is substantial
11 evidence that the alleged civil rights violation has
12 been committed pursuant to subsection (D) of this
13 Section ~~7A-102 of this Act~~.

14 (4) Pursuant to this Section, if the EEOC dismisses the
15 charge or a portion of the charge of discrimination
16 because, under federal law, the EEOC lacks jurisdiction
17 over the charge, and if, under this Act, the Department has
18 jurisdiction over the charge of discrimination, the
19 Department shall investigate the charge or portion of the
20 charge dismissed by the EEOC for lack of jurisdiction
21 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
22 (E), (F), (G), (H), (I), (J), and (K) of this Section
23 ~~7A-102 of this Act~~.

24 (5) The time limit set out in subsection (G) of this
25 Section is tolled from the date on which the charge is
26 filed with the EEOC to the date on which the EEOC issues

1 its determination.

2 (6) The failure of the Department to meet the
3 10-business-day notification deadlines set out in
4 paragraph (2) of this subsection shall not impair the
5 rights of any party.

6 (B) Notice and Response to Charge. The Department shall,
7 within 10 days of the date on which the charge was filed, serve
8 a copy of the charge on the respondent and provide all parties
9 with a notice of the complainant's right to opt out of the
10 investigation within 60 days as set forth in subsection (C-1).
11 This period shall not be construed to be jurisdictional. The
12 charging party and the respondent may each file a position
13 statement and other materials with the Department regarding the
14 charge of alleged discrimination within 60 days of receipt of
15 the notice of the charge. The position statements and other
16 materials filed shall remain confidential unless otherwise
17 agreed to by the party providing the information and shall not
18 be served on or made available to the other party during the
19 pendency of a charge with the Department. The Department may
20 require the respondent to file a response to the allegations
21 contained in the charge. Upon the Department's request, the
22 respondent shall file a response to the charge within 60 days
23 and shall serve a copy of its response on the complainant or
24 his or her representative. Notwithstanding any request from the
25 Department, the respondent may elect to file a response to the
26 charge within 60 days of receipt of notice of the charge,

1 provided the respondent serves a copy of its response on the
2 complainant or his or her representative. All allegations
3 contained in the charge not denied by the respondent within 60
4 days of the Department's request for a response may be deemed
5 admitted, unless the respondent states that it is without
6 sufficient information to form a belief with respect to such
7 allegation. The Department may issue a notice of default
8 directed to any respondent who fails to file a response to a
9 charge within 60 days of receipt of the Department's request,
10 unless the respondent can demonstrate good cause as to why such
11 notice should not issue. The term "good cause" shall be defined
12 by rule promulgated by the Department. Within 30 days of
13 receipt of the respondent's response, the complainant may file
14 a reply to said response and shall serve a copy of said reply
15 on the respondent or his or her representative. A party shall
16 have the right to supplement his or her response or reply at
17 any time that the investigation of the charge is pending. The
18 Department shall, within 10 days of the date on which the
19 charge was filed, and again no later than 335 days thereafter,
20 send by certified or registered mail, or electronic mail if
21 elected by the party, written notice to the complainant and to
22 the respondent informing the complainant of the complainant's
23 rights to either file a complaint with the Human Rights
24 Commission or commence a civil action in the appropriate
25 circuit court under subparagraph (2) of paragraph (G),
26 including in such notice the dates within which the complainant

1 may exercise these rights. In the notice the Department shall
2 notify the complainant that the charge of civil rights
3 violation will be dismissed with prejudice and with no right to
4 further proceed if a written complaint is not timely filed with
5 the Commission or with the appropriate circuit court by the
6 complainant pursuant to subparagraph (2) of paragraph (G) or by
7 the Department pursuant to subparagraph (1) of paragraph (G).

8 (B-1) Mediation. The complainant and respondent may agree
9 to voluntarily submit the charge to mediation without waiving
10 any rights that are otherwise available to either party
11 pursuant to this Act and without incurring any obligation to
12 accept the result of the mediation process. Nothing occurring
13 in mediation shall be disclosed by the Department or admissible
14 in evidence in any subsequent proceeding unless the complainant
15 and the respondent agree in writing that such disclosure be
16 made.

17 (C) Investigation.

18 (1) The Department shall conduct an investigation
19 sufficient to determine whether the allegations set forth
20 in the charge are supported by substantial evidence unless
21 the complainant elects to opt out of an investigation
22 pursuant to subsection (C-1).

23 (2) The Director or his or her designated
24 representatives shall have authority to request any member
25 of the Commission to issue subpoenas to compel the
26 attendance of a witness or the production for examination

1 of any books, records or documents whatsoever.

2 (3) If any witness whose testimony is required for any
3 investigation resides outside the State, or through
4 illness or any other good cause as determined by the
5 Director is unable to be interviewed by the investigator or
6 appear at a fact finding conference, his or her testimony
7 or deposition may be taken, within or without the State, in
8 the same manner as is provided for in the taking of
9 depositions in civil cases in circuit courts.

10 (4) Upon reasonable notice to the complainant and the
11 respondent, the Department shall conduct a fact finding
12 conference, unless prior to 365 days after the date on
13 which the charge was filed the Director has determined
14 whether there is substantial evidence that the alleged
15 civil rights violation has been committed, the charge has
16 been dismissed for lack of jurisdiction, or the parties
17 voluntarily and in writing agree to waive the fact finding
18 conference. Any party's failure to attend the conference
19 without good cause shall result in dismissal or default.
20 The term "good cause" shall be defined by rule promulgated
21 by the Department. A notice of dismissal or default shall
22 be issued by the Director. The notice of default issued by
23 the Director shall notify the respondent that a request for
24 review may be filed in writing with the Commission within
25 30 days of receipt of notice of default. The notice of
26 dismissal issued by the Director shall give the complainant

1 notice of his or her right to seek review of the dismissal
2 before the Human Rights Commission or commence a civil
3 action in the appropriate circuit court. If the complainant
4 chooses to have the Human Rights Commission review the
5 dismissal order, he or she shall file a request for review
6 with the Commission within 90 days after receipt of the
7 Director's notice. If the complainant chooses to file a
8 request for review with the Commission, he or she may not
9 later commence a civil action in a circuit court. If the
10 complainant chooses to commence a civil action in a circuit
11 court, he or she must do so within 90 days after receipt of
12 the Director's notice.

13 (C-1) Opt out of Department's investigation. At any time
14 within 60 days after receipt of notice of the right to opt out,
15 a complainant may submit a written request seeking notice from
16 the Director indicating that the complainant has opted out of
17 the investigation and may commence a civil action in the
18 appropriate circuit court or other appropriate court of
19 competent jurisdiction. Within 10 business days of receipt of
20 the complainant's request to opt out of the investigation, the
21 Director shall issue a notice to the parties stating that: (i)
22 the complainant has exercised the right to opt out of the
23 investigation; (ii) the complainant has 90 days after receipt
24 of the Director's notice to commence an action in the
25 appropriate circuit court or other appropriate court of
26 competent jurisdiction; and (iii) the Department has ceased its

1 investigation and is administratively closing the charge. The
2 complainant shall notify the Department and the respondent that
3 a complaint has been filed with the appropriate circuit court
4 or other appropriate court of competent jurisdiction and shall
5 mail a copy of the complaint to the Department and the
6 respondent on the same date that the complaint is filed with
7 the appropriate court. Once a complainant has opted out of the
8 investigation under this subsection, he or she may not file or
9 refile a substantially similar charge with the Department
10 arising from the same incident of unlawful discrimination or
11 harassment.

12 (D) Report.

13 (1) Each charge investigated under subsection (C)
14 shall be the subject of a report to the Director. The
15 report shall be a confidential document subject to review
16 by the Director, authorized Department employees, the
17 parties, and, where indicated by this Act, members of the
18 Commission or their designated hearing officers.

19 (2) Upon review of the report, the Director shall
20 determine whether there is substantial evidence that the
21 alleged civil rights violation has been committed. The
22 determination of substantial evidence is limited to
23 determining the need for further consideration of the
24 charge pursuant to this Act and includes, but is not
25 limited to, findings of fact and conclusions, as well as
26 the reasons for the determinations on all material issues.

1 Substantial evidence is evidence which a reasonable mind
2 accepts as sufficient to support a particular conclusion
3 and which consists of more than a mere scintilla but may be
4 somewhat less than a preponderance.

5 (3) If the Director determines that there is no
6 substantial evidence, the charge shall be dismissed by
7 order of the Director and the Director shall give the
8 complainant notice of his or her right to seek review of
9 the dismissal order before the Commission or commence a
10 civil action in the appropriate circuit court. If the
11 complainant chooses to have the Human Rights Commission
12 review the dismissal order, he or she shall file a request
13 for review with the Commission within 90 days after receipt
14 of the Director's notice. If the complainant chooses to
15 file a request for review with the Commission, he or she
16 may not later commence a civil action in a circuit court.
17 If the complainant chooses to commence a civil action in a
18 circuit court, he or she must do so within 90 days after
19 receipt of the Director's notice.

20 (4) If the Director determines that there is
21 substantial evidence, he or she shall notify the
22 complainant and respondent of that determination. The
23 Director shall also notify the parties that the complainant
24 has the right to either commence a civil action in the
25 appropriate circuit court or request that the Department of
26 Human Rights file a complaint with the Human Rights

1 Commission on his or her behalf. Any such complaint shall
2 be filed within 90 days after receipt of the Director's
3 notice. If the complainant chooses to have the Department
4 file a complaint with the Human Rights Commission on his or
5 her behalf, the complainant must, within 30 days after
6 receipt of the Director's notice, request in writing that
7 the Department file the complaint. If the complainant
8 timely requests that the Department file the complaint, the
9 Department shall file the complaint on his or her behalf.
10 If the complainant fails to timely request that the
11 Department file the complaint, the complainant may file his
12 or her complaint with the Commission or commence a civil
13 action in the appropriate circuit court. If the complainant
14 files a complaint with the Human Rights Commission, the
15 complainant shall give notice to the Department of the
16 filing of the complaint with the Human Rights Commission.

17 (E) Conciliation.

18 (1) When there is a finding of substantial evidence,
19 the Department may designate a Department employee who is
20 an attorney licensed to practice in Illinois to endeavor to
21 eliminate the effect of the alleged civil rights violation
22 and to prevent its repetition by means of conference and
23 conciliation.

24 (2) When the Department determines that a formal
25 conciliation conference is necessary, the complainant and
26 respondent shall be notified of the time and place of the

1 conference by registered or certified mail at least 10 days
2 prior thereto and either or both parties shall appear at
3 the conference in person or by attorney.

4 (3) The place fixed for the conference shall be within
5 35 miles of the place where the civil rights violation is
6 alleged to have been committed.

7 (4) Nothing occurring at the conference shall be
8 disclosed by the Department unless the complainant and
9 respondent agree in writing that such disclosure be made.

10 (5) The Department's efforts to conciliate the matter
11 shall not stay or extend the time for filing the complaint
12 with the Commission or the circuit court.

13 (F) Complaint.

14 (1) When the complainant requests that the Department
15 file a complaint with the Commission on his or her behalf,
16 the Department shall prepare a written complaint, under
17 oath or affirmation, stating the nature of the civil rights
18 violation substantially as alleged in the charge
19 previously filed and the relief sought on behalf of the
20 aggrieved party. The Department shall file the complaint
21 with the Commission.

22 (2) If the complainant chooses to commence a civil
23 action in a circuit court, he or she must do so in the
24 circuit court in the county wherein the civil rights
25 violation was allegedly committed. The form of the
26 complaint in any such civil action shall be in accordance

1 with the ~~Illinois~~ Code of Civil Procedure.

2 (G) Time Limit.

3 (1) When a charge of a civil rights violation has been
4 properly filed, the Department, within 365 days thereof or
5 within any extension of that period agreed to in writing by
6 all parties, shall issue its report as required by
7 subparagraph (D). Any such report shall be duly served upon
8 both the complainant and the respondent.

9 (2) If the Department has not issued its report within
10 365 days after the charge is filed, or any such longer
11 period agreed to in writing by all the parties, the
12 complainant shall have 90 days to either file his or her
13 own complaint with the Human Rights Commission or commence
14 a civil action in the appropriate circuit court. If the
15 complainant files a complaint with the Commission, the form
16 of the complaint shall be in accordance with the provisions
17 of paragraph (F)(1). If the complainant commences a civil
18 action in a circuit court, the form of the complaint shall
19 be in accordance with the ~~Illinois~~ Code of Civil Procedure.
20 The aggrieved party shall notify the Department that a
21 complaint has been filed and shall serve a copy of the
22 complaint on the Department on the same date that the
23 complaint is filed with the Commission or in circuit court.
24 If the complainant files a complaint with the Commission,
25 he or she may not later commence a civil action in circuit
26 court.

1 (3) If an aggrieved party files a complaint with the
2 Human Rights Commission or commences a civil action in
3 circuit court pursuant to paragraph (2) of this subsection,
4 or if the time period for filing a complaint has expired,
5 the Department shall immediately cease its investigation
6 and dismiss the charge of civil rights violation. Any final
7 order entered by the Commission under this Section is
8 appealable in accordance with paragraph (B)(1) of Section
9 8-111. Failure to immediately cease an investigation and
10 dismiss the charge of civil rights violation as provided in
11 this paragraph (3) constitutes grounds for entry of an
12 order by the circuit court permanently enjoining the
13 investigation. The Department may also be liable for any
14 costs and other damages incurred by the respondent as a
15 result of the action of the Department.

16 (4) (Blank).

17 (H) Public Act 89-370 ~~This amendatory Act of 1995~~ applies
18 to causes of action filed on or after January 1, 1996.

19 (I) Public Act 89-520 ~~This amendatory Act of 1996~~ applies
20 to causes of action filed on or after January 1, 1996.

21 (J) The changes made to this Section by Public Act 95-243
22 apply to charges filed on or after the effective date of those
23 changes.

24 (K) The changes made to this Section by Public Act 96-876
25 ~~this amendatory Act of the 96th General Assembly~~ apply to
26 charges filed on or after the effective date of those changes.

1 (L) The changes made to this Section by Public Act 100-1066
2 ~~this amendatory Act of the 100th General Assembly~~ apply to
3 charges filed on or after August 24, 2018 (the effective date
4 of Public Act 100-1066) ~~this amendatory Act of the 100th~~
5 ~~General Assembly~~.

6 (Source: P.A. 100-492, eff. 9-8-17; 100-588, eff. 6-8-18;
7 100-1066, eff. 8-24-18; 101-221, eff. 1-1-20; revised
8 9-12-19.)

9 Section 690. The Business Corporation Act of 1983 is
10 amended by changing Sections 15.35 and 15.65 as follows:

11 (805 ILCS 5/15.35) (from Ch. 32, par. 15.35)

12 (Section scheduled to be repealed on December 31, 2025)

13 Sec. 15.35. Franchise taxes payable by domestic
14 corporations. For the privilege of exercising its franchises in
15 this State, each domestic corporation shall pay to the
16 Secretary of State the following franchise taxes, computed on
17 the basis, at the rates and for the periods prescribed in this
18 Act:

19 (a) An initial franchise tax at the time of filing its
20 first report of issuance of shares.

21 (b) An additional franchise tax at the time of filing
22 (1) a report of the issuance of additional shares, or (2) a
23 report of an increase in paid-in capital without the
24 issuance of shares, or (3) an amendment to the articles of

1 incorporation or a report of cumulative changes in paid-in
2 capital, whenever any amendment or such report discloses an
3 increase in its paid-in capital over the amount thereof
4 last reported in any document, other than an annual report,
5 interim annual report or final transition annual report
6 required by this Act to be filed in the office of the
7 Secretary of State.

8 (c) An additional franchise tax at the time of filing a
9 report of paid-in capital following a statutory merger or
10 consolidation, which discloses that the paid-in capital of
11 the surviving or new corporation immediately after the
12 merger or consolidation is greater than the sum of the
13 paid-in capital of all of the merged or consolidated
14 corporations as last reported by them in any documents,
15 other than annual reports, required by this Act to be filed
16 in the office of the Secretary of State; and in addition,
17 the surviving or new corporation shall be liable for a
18 further additional franchise tax on the paid-in capital of
19 each of the merged or consolidated corporations as last
20 reported by them in any document, other than an annual
21 report, required by this Act to be filed with the Secretary
22 of State from their taxable year end to the next succeeding
23 anniversary month or, in the case of a corporation which
24 has established an extended filing month, the extended
25 filing month of the surviving or new corporation; however
26 if the taxable year ends within the 2-month ~~2-month~~ period

1 immediately preceding the anniversary month or, in the case
2 of a corporation which has established an extended filing
3 month, the extended filing month of the surviving or new
4 corporation the tax will be computed to the anniversary
5 month or, in the case of a corporation which has
6 established an extended filing month, the extended filing
7 month of the surviving or new corporation in the next
8 succeeding calendar year.

9 (d) An annual franchise tax payable each year with the
10 annual report which the corporation is required by this Act
11 to file.

12 ~~(e)~~ On or after January 1, 2020 and prior to January 1,
13 2021, the first \$30 in liability is exempt from the tax imposed
14 under this Section. On or after January 1, 2021 and prior to
15 January 1, 2022, the first \$1,000 in liability is exempt from
16 the tax imposed under this Section. On or after January 1, 2022
17 and prior to January 1, 2023, the first \$10,000 in liability is
18 exempt from the tax imposed under this Section. On or after
19 January 1, 2023 and prior to January 1, 2024, the first
20 \$100,000 in liability is exempt from the tax imposed under this
21 Section. The provisions of this Section shall not require the
22 payment of any franchise tax that would otherwise have been due
23 and payable on or after January 1, 2024. There shall be no
24 refunds or proration of franchise tax for any taxes due and
25 payable on or after January 1, 2024 on the basis that a portion
26 of the corporation's taxable year extends beyond January 1,

1 2024. Public Act 101-9 ~~This amendatory Act of the 101st General~~
2 ~~Assembly~~ shall not affect any right accrued or established, or
3 any liability or penalty incurred prior to January 1, 2024.

4 ~~(f)~~ This Section is repealed on December 31, 2025.

5 (Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

6 (805 ILCS 5/15.65) (from Ch. 32, par. 15.65)

7 (Section scheduled to be repealed on December 31, 2024)

8 Sec. 15.65. Franchise taxes payable by foreign
9 corporations. For the privilege of exercising its authority to
10 transact such business in this State as set out in its
11 application therefor or any amendment thereto, each foreign
12 corporation shall pay to the Secretary of State the following
13 franchise taxes, computed on the basis, at the rates and for
14 the periods prescribed in this Act:

15 (a) An initial franchise tax at the time of filing its
16 application for authority to transact business in this
17 State.

18 (b) An additional franchise tax at the time of filing
19 (1) a report of the issuance of additional shares, or (2) a
20 report of an increase in paid-in capital without the
21 issuance of shares, or (3) a report of cumulative changes
22 in paid-in capital or a report of an exchange or
23 reclassification of shares, whenever any such report
24 discloses an increase in its paid-in capital over the
25 amount thereof last reported in any document, other than an

1 annual report, interim annual report or final transition
2 annual report, required by this Act to be filed in the
3 office of the Secretary of State.

4 (c) Whenever the corporation shall be a party to a
5 statutory merger and shall be the surviving corporation, an
6 additional franchise tax at the time of filing its report
7 following merger, if such report discloses that the amount
8 represented in this State of its paid-in capital
9 immediately after the merger is greater than the aggregate
10 of the amounts represented in this State of the paid-in
11 capital of such of the merged corporations as were
12 authorized to transact business in this State at the time
13 of the merger, as last reported by them in any documents,
14 other than annual reports, required by this Act to be filed
15 in the office of the Secretary of State; and in addition,
16 the surviving corporation shall be liable for a further
17 additional franchise tax on the paid-in capital of each of
18 the merged corporations as last reported by them in any
19 document, other than an annual report, required by this Act
20 to be filed with the Secretary of State, from their taxable
21 year end to the next succeeding anniversary month or, in
22 the case of a corporation which has established an extended
23 filing month, the extended filing month of the surviving
24 corporation; however if the taxable year ends within the
25 2-month ~~2-month~~ period immediately preceding the
26 anniversary month or the extended filing month of the

1 surviving corporation, the tax will be computed to the
2 anniversary or, extended filing month of the surviving
3 corporation in the next succeeding calendar year.

4 (d) An annual franchise tax payable each year with any
5 annual report which the corporation is required by this Act
6 to file.

7 ~~(e)~~ On or after January 1, 2020 and prior to January 1,
8 2021, the first \$30 in liability is exempt from the tax imposed
9 under this Section. On or after January 1, 2021 and prior to
10 January 1, 2022, the first \$1,000 in liability is exempt from
11 the tax imposed under this Section. On or after January 1, 2022
12 and prior to January 1, 2023, the first \$10,000 in liability is
13 exempt from the tax imposed under this Section. On or after
14 January 1, 2023 and prior to January 1, 2024, the first
15 \$100,000 in liability is exempt from the tax imposed under this
16 Section. The provisions of this Section shall not require the
17 payment of any franchise tax that would otherwise have been due
18 and payable on or after January 1, 2024. There shall be no
19 refunds or proration of franchise tax for any taxes due and
20 payable on or after January 1, 2024 on the basis that a portion
21 of the corporation's taxable year extends beyond January 1,
22 2024. Public Act 101-9 ~~This amendatory Act of the 101st General~~
23 ~~Assembly~~ shall not affect any right accrued or established, or
24 any liability or penalty incurred prior to January 1, 2024.

25 ~~(f)~~ This Section is repealed on December 31, 2024.

26 (Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

1 Section 695. The General Not For Profit Corporation Act of
2 1986 is amended by changing Section 111.25 as follows:

3 (805 ILCS 105/111.25) (from Ch. 32, par. 111.25)

4 Sec. 111.25. Articles of merger or consolidation.

5 (a) Articles of merger or consolidation shall be executed
6 by each corporation and filed in duplicate in accordance with
7 Section 101.10 of this Act and shall set forth:

8 (1) the name of each corporation;

9 (2) the plan of merger or consolidation;

10 (3) as to each corporation where the plan of merger or
11 consolidation was adopted pursuant to Section 111.15 of
12 this Act:

13 (i) a statement that the plan received the
14 affirmative vote of a majority of the directors in
15 office, at a meeting of the board of directors, and the
16 date of the meeting; or

17 (ii) a statement that the plan was adopted by
18 written consent, signed by all the directors in office,
19 in compliance with Section 108.45 of this Act; and

20 (4) as to each corporation where the plan of merger or
21 consolidation was adopted pursuant to Section 111.20 of
22 this Act:

23 (i) a statement that the plan was adopted at a
24 meeting of members by the affirmative vote of members

1 having not less than the minimum number of votes
2 necessary to adopt the plan, as provided by this Act,
3 the articles of incorporation, or the bylaws, and the
4 date of the meeting; or

5 (ii) a statement that the plan was adopted by
6 written consent, signed by members having not less than
7 the minimum number of votes necessary to adopt the
8 plan, as provided by this Act, the articles of
9 incorporation or the bylaws, in compliance with
10 Section 107.10 of this Act.

11 (b) When the provisions of this Section have been complied
12 with, the Secretary of State shall file the articles of merger
13 or consolidation.

14 (Source: P.A. 91-357, eff. 7-29-99; 92-33, eff. 7-1-01; revised
15 7-18-19.)

16 Section 700. The Illinois Pre-Need Cemetery Sales Act is
17 amended by changing Section 16 as follows:

18 (815 ILCS 390/16) (from Ch. 21, par. 216)

19 Sec. 16. Trust funds; disbursements.

20 (a) A trustee shall make no disbursements from the trust
21 fund except as provided in this Act.

22 (b) A trustee has a duty to invest and manage the trust
23 assets pursuant to the Illinois Prudent Investor Law under
24 Article 9 of the Illinois Trust Code. Whenever the seller

1 changes trustees pursuant to this Act, the trustee must provide
2 written notice of the change in trustees to the Comptroller no
3 less than 28 days prior to the effective date of such a change
4 in trustee. The trustee has an ongoing duty to provide the
5 Comptroller with a current and true copy of the trust agreement
6 under which the trust funds are held pursuant to this Act.

7 (c) The trustee may rely upon certifications and affidavits
8 made to it under the provisions of this Act, and shall not be
9 liable to any person for such reliance.

10 (d) A trustee shall be allowed to withdraw from the trust
11 funds maintained pursuant to this Act a reasonable fee pursuant
12 to the Illinois Trust Code.

13 (e) The trust shall be a single-purpose trust fund. In the
14 event of the seller's bankruptcy, insolvency or assignment for
15 the benefit of creditors, or an adverse judgment, the trust
16 funds shall not be available to any creditor as assets of the
17 seller or to pay any expenses of any bankruptcy or similar
18 proceeding, but shall be distributed to the purchasers or
19 managed for their benefit by the trustee holding the funds.
20 Except in an action by the Comptroller to revoke a license
21 issued pursuant to this Act and for creation of a receivership
22 as provided in this Act, the trust shall not be subject to
23 judgment, execution, garnishment, attachment, or other seizure
24 by process in bankruptcy or otherwise, nor to sale, pledge,
25 mortgage, or other alienation, and shall not be assignable
26 except as approved by the Comptroller. The changes made by this

1 amendatory Act of the 91st General Assembly are intended to
2 clarify existing law regarding the inability of licensees to
3 pledge the trust.

4 (f) Because it is not known at the time of deposit or at
5 the time that income is earned on the trust account to whom the
6 principal and the accumulated earnings will be distributed, for
7 purposes of determining the Illinois Income Tax due on these
8 trust funds, the principal and any accrued earnings or losses
9 relating to each individual account shall be held in suspense
10 until the final determination is made as to whom the account
11 shall be paid.

12 (g) A trustee shall at least annually furnish to each
13 purchaser a statement identifying: (1) the receipts,
14 disbursements, and inventory of the trust, including an
15 explanation of any fees or expenses charged by the trustee
16 under paragraph (d) of this Section or otherwise, (2) an
17 explanation of the purchaser's right to a refund, if any, under
18 this Act, and (3) the primary regulator of the trust as a
19 corporate fiduciary under state or federal law.

20 (h) If the trustee has reason to believe that the contact
21 information for a purchaser is no longer valid, then the
22 trustee shall promptly notify the seller. If the trustee has
23 reason to believe that the purchaser is deceased, then the
24 trustee shall promptly notify the seller. A trustee shall remit
25 as provided in Section 18.5 of this Act any pre-need trust
26 funds, including both the principal and any accrued earnings or

1 losses, relating to an individual account that is presumed
2 abandoned under Section 18.5.

3 (Source: P.A. 101-48, eff. 1-1-20; 101-552, eff. 1-1-20;
4 revised 9-17-19.)

5 Section 705. The Workplace Transparency Act is amended by
6 changing Section 1-25 as follows:

7 (820 ILCS 96/1-25)

8 Sec. 1-25. Conditions of employment or continued
9 employment.

10 (a) Any agreement, clause, covenant, or waiver that is a
11 unilateral condition of employment or continued employment and
12 has the purpose or effect of preventing an employee or
13 prospective employee from making truthful statements or
14 disclosures about alleged unlawful employment practices is
15 against public policy, void to the extent it prevents such
16 statements or disclosures, and severable from an otherwise
17 valid and enforceable contract under this Act.

18 (b) Any agreement, clause, covenant, or waiver that is a
19 unilateral condition of employment or continued employment and
20 requires the employee or prospective employee to waive,
21 arbitrate, or otherwise diminish any existing or future claim,
22 right, or benefit related to an unlawful employment practice to
23 which the employee or prospective employee would otherwise be
24 entitled under any provision of State or federal law, is

1 against public policy, void to the extent it denies an employee
2 or prospective employee a substantive or procedural right or
3 remedy related to alleged unlawful employment practices, and
4 severable from an otherwise valid and enforceable contract
5 under this Act.

6 (c) Any agreement, clause, covenant, or waiver that is a
7 mutual condition of employment or continued employment may
8 include provisions that would otherwise be against public
9 policy as a unilateral condition of employment or continued
10 employment, but only if the agreement, clause, covenant, or
11 waiver is in writing, demonstrates actual, knowing, and
12 bargained-for consideration from both parties, and
13 acknowledges the right of the employee or prospective employee
14 to:

15 (1) report any good faith allegation of unlawful
16 employment practices to any appropriate federal, State, or
17 local government agency enforcing discrimination laws;

18 (2) report any good faith allegation of criminal
19 conduct to any appropriate federal, State, or local
20 official;

21 (3) participate in a proceeding with any appropriate
22 federal, State, or local government agency enforcing
23 discrimination laws;

24 (4) make any truthful statements or disclosures
25 required by law, regulation, or legal process; and

26 (5) request or receive confidential legal advice.

1 (d) Failure to comply with the provisions of subsection (c)
2 shall establish a rebuttable presumption that the agreement,
3 clause, covenant, or waiver is a unilateral condition of
4 employment or continued employment that is governed by
5 subsection ~~subsections~~ (a) or (b).

6 (e) Nothing in this Section shall be construed to prevent
7 an employee or prospective employee and an employer from
8 negotiating and bargaining over the terms, privileges, and
9 conditions of employment.

10 (Source: P.A. 101-221, eff. 1-1-20; revised 9-12-19.)

11 Section 710. The Workers' Compensation Act is amended by
12 changing Section 4a-5 as follows:

13 (820 ILCS 305/4a-5) (from Ch. 48, par. 138.4a-5)

14 Sec. 4a-5. There is hereby created a Self-Insurers Security
15 Fund. The State Treasurer shall be the ex officio ~~ex officio~~
16 custodian of the Self-Insurers Security Fund. Moneys in the
17 Fund shall be deposited in a separate account in the same
18 manner as are State Funds and any interest accruing thereon
19 shall be added thereto every 6 months. It shall be subject to
20 audit the same as State funds and accounts and shall be
21 protected by the general bond given by the State Treasurer. The
22 funds in the Self-Insurers Security Fund shall not be subject
23 to appropriation and shall be made available for the purposes
24 of compensating employees who are eligible to receive benefits

1 from their employers pursuant to the provisions of the Workers'
2 Compensation Act or Workers' Occupational Diseases Act, when,
3 pursuant to this Section, the Board has determined that a
4 private self-insurer has become an insolvent self-insurer and
5 is unable to pay compensation benefits due to financial
6 insolvency. Moneys in the Fund may be used to compensate any
7 type of injury or occupational disease which is compensable
8 under either Act, and all claims for related administrative
9 fees, operating costs of the Board, attorney's fees, and other
10 costs reasonably incurred by the Board. At the discretion of
11 the Chairman, moneys in the Self-Insurers Security Fund may
12 also be used for paying the salaries and benefits of the
13 Self-Insurers Advisory Board employees and the operating costs
14 of the Board. Payment from the Self-Insurers Security Fund
15 shall be made by the Comptroller only upon the authorization of
16 the Chairman as evidenced by properly certified vouchers of the
17 Commission, upon the direction of the Board.

18 (Source: P.A. 101-40, eff. 1-1-20; revised 8-6-19.)

19 Section 715. The Hotel and Casino Employee Safety Act is
20 amended by changing Sections 5-5, 5-10, and 5-15 as follows:

21 (820 ILCS 325/5-5)

22 (This Section may contain text from a Public Act with a
23 delayed effective date)

24 Sec. 5-5. Definitions. As used in this Act:

1 "Casino" has the meaning ascribed to the term "riverboat"
2 under the Illinois Riverboat Gambling Act.

3 "Casino employer" means any person, business, or
4 organization that holds an owners license pursuant to the
5 Illinois Riverboat Gambling Act that operates a casino and
6 either directly employs or through a subcontractor, including
7 through the services of a temporary staffing agency, exercises
8 direction and control over any natural person who is working on
9 the casino premises.

10 "Complaining employee" means an employee who has alleged an
11 instance of sexual assault or sexual harassment by a guest.

12 "Employee" means any natural person who works full-time or
13 part-time for a hotel employer or casino employer for or under
14 the direction of the hotel employer or casino employer or any
15 subcontractor of the hotel employer or casino employer for
16 wages or salary or remuneration of any type under a contract or
17 subcontract of employment.

18 "Guest" means any invitee to a hotel or casino, including a
19 registered guest, person occupying a guest room with a
20 registered guest or other occupant of a guest room, person
21 patronizing food or beverage facilities provided by the hotel
22 or casino, or any other person whose presence at the hotel or
23 casino is permitted by the hotel or casino. "Guest" does not
24 include an employee.

25 "Guest room" means any room made available by a hotel for
26 overnight occupancy by guests.

1 "Hotel" means any building or buildings maintained,
2 advertised, and held out to the public to be a place where
3 lodging is offered for consideration to travelers and guests.
4 "Hotel" includes an inn, motel, tourist home or court, and
5 lodging house.

6 "Hotel employer" means any person, business entity, or
7 organization that operates a hotel and either directly employs
8 or through a subcontractor, including through the services of a
9 temporary staffing agency, exercises direction and control
10 over any natural person who is working on the hotel premises
11 and employed in furtherance of the hotel's provision of lodging
12 to travelers and guests.

13 "Notification device" or "safety device" means a portable
14 emergency contact device, supplied by the hotel employer or
15 casino employer, that utilizes technology that the hotel
16 employer or casino employer deems appropriate for the hotel's
17 or casino's size, physical layout, and technological
18 capabilities and that is designed so that an employee can
19 quickly and easily activate the device to alert a hotel or
20 casino security officer, manager, or other appropriate hotel or
21 casino staff member designated by the hotel or casino and
22 effectively summon to the employee's location prompt
23 assistance by a hotel or casino security officer, manager, or
24 other appropriate hotel or casino staff member designated by
25 the hotel or casino.

26 "Offending guest" means a guest a complaining employee has

1 alleged sexually assaulted or sexually harassed the
2 complaining employee.

3 "Restroom" means any room equipped with toilets or urinals.

4 "Sexual assault" means: (1) an act of sexual conduct, as
5 defined in Section 11-0.1 of the Criminal Code of 2012; or (2)
6 any act of sexual penetration, as defined in Section 11-0.1 of
7 the Criminal Code of 2012 and includes, without limitation,
8 acts prohibited under Sections 11-1.20 through 11-1.60 of the
9 Criminal Code of 2012.

10 "Sexual harassment" means any harassment or discrimination
11 on the basis of an individual's actual or perceived sex or
12 gender, including unwelcome sexual advances, requests for
13 sexual favors, or other verbal or physical conduct of a sexual
14 nature.

15 (Source: P.A. 101-221, eff. 7-1-20; revised 12-10-19.)

16 (820 ILCS 325/5-10)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

19 Sec. 5-10. Hotels and casinos; safety devices; anti-sexual
20 harassment policies.

21 (a) Each hotel and casino shall equip an employee who is
22 assigned to work in a guest room, restroom, or casino floor,
23 under circumstances where no other employee is present in the
24 room or area, with a safety device or notification device. The
25 employee may use the safety device or notification device to

1 summon help if the employee reasonably believes that an ongoing
2 crime, sexual harassment, sexual assault, or other emergency is
3 occurring in the employee's presence. The safety device or
4 notification device shall be provided by the hotel or casino at
5 no cost to the employee.

6 (b) Each hotel employer and casino employer shall develop,
7 maintain, and comply with a written anti-sexual harassment
8 policy to protect employees against sexual assault and sexual
9 harassment by guests. This policy shall:

10 (1) encourage an employee to immediately report to the
11 hotel employer or casino employer any instance of alleged
12 sexual assault or sexual harassment by a guest;

13 (2) describe the procedures that the complaining
14 employee and hotel employer or casino employer shall follow
15 in cases under paragraph (1);

16 (3) instruct the complaining employee to cease work and
17 to leave the immediate area where danger is perceived until
18 hotel or casino security personnel or police arrive to
19 provide assistance;

20 (4) offer temporary work assignments to the
21 complaining employee during the duration of the offending
22 guest's stay at the hotel or casino, which may include
23 assigning the complaining employee to work on a different
24 floor or at a different station or work area away from the
25 offending guest;

26 (5) provide the complaining employee with necessary

1 paid time off to:

2 (A) file a police report or criminal complaint with
3 the appropriate local authorities against the
4 offending guest; and

5 (B) if so required, testify as a witness at any
6 legal proceeding that may ensue as a result of the
7 criminal complaint filed against the offending guest,
8 if the complaining employee is still in the employ of
9 the hotel or casino at the time the legal proceeding
10 occurs;

11 (6) inform the complaining employee that the Illinois
12 Human Rights Act and Title VII of the Civil Rights Act of
13 1964 provide additional protections against sexual
14 harassment in the workplace; and

15 (7) inform the complaining employee that Section 5-15
16 ~~15~~ makes it illegal for an employer to retaliate against
17 any employee who: reasonably uses a safety device or
18 notification device; in good faith avails himself or
19 herself of the requirements set forth in paragraph (3),
20 (4), or (5); or discloses, reports, or testifies about any
21 violation of this Act or rules adopted under this Act.

22 Each hotel employer and casino employer shall provide all
23 employees with a current copy in English and Spanish of the
24 hotel employer's or casino employer's anti-sexual harassment
25 policy and post the policy in English and Spanish in
26 conspicuous places in areas of the hotel or casino, such as

1 supply rooms or employee lunch rooms, where employees can
2 reasonably be expected to see it. Each hotel employer and
3 casino employer shall also make all reasonable efforts to
4 provide employees with a current copy of its written
5 anti-sexual harassment policy in any language other than
6 English and Spanish that, in its sole discretion, is spoken by
7 a predominant portion of its employees.

8 (Source: P.A. 101-221, eff. 7-1-20; revised 9-12-19.)

9 (820 ILCS 325/5-15)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 Sec. 5-15. Retaliation prohibited. It is unlawful for a
13 hotel employer or casino employer to retaliate against an
14 employee for:

15 (1) reasonably using a safety device or notification
16 device;

17 (2) availing himself or herself of the provisions of
18 paragraph (3), (4), or (5) of subsection (b) of Section
19 5-10 ~~10~~; or

20 (3) disclosing, reporting, or testifying about any
21 violation of this Act or any rule adopted under this Act.

22 (Source: P.A. 101-221, eff. 7-1-20; revised 9-12-19.)

23 Section 995. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 996. No revival or extension. This Act does not
7 revive or extend any Section or Act otherwise repealed.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.

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